

Union Calendar No. 412

103D CONGRESS
2D SESSION

H. R. 3392

[Report No. 103-745, Part I]

A BILL

To amend the Safe Drinking Water Act to assure
the safety of public water systems.

SEPTEMBER 26, 1994

Committees on Science, Space, and Technology and the
Judiciary discharged; committed to the Committee of
the Whole House on the State of the Union and or-
dered to be printed

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[Report No. 103-745, Part I]

To amend the Safe Drinking Water Act to assure the safety of public water systems.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 1993

Mr. SLATTERY (for himself, Mr. BLILEY, Mr. ROWLAND, Mr. HALL of Texas, Mr. COOPER, Mr. PAXON, Mr. UPTON, Mr. LEHMAN, Mr. TAUZIN, Mr. POMEROY, Mr. BEREUTER, Mr. CANADY, Mr. WILLIAMS, Mr. FRANK of Massachusetts, Mr. BARRETT of Nebraska, Mr. BARLOW, Mr. MCHUGH, Mr. SWETT, Mrs. VUCANOVICH, Mr. JEFFERSON, Mr. HUNTER, Mr. GRANDY, and Mr. WALSH) introduced the following bill; which was referred to the Committee on Energy and Commerce

JANUARY 26, 1994

Additional sponsors: Mr. SMITH of Iowa, Mr. YATES, Mr. HOEKSTRA, Mr. HALL of Ohio, Mr. FORD of Tennessee, Mrs. FOWLER, Mr. PICKETT, Mr. LANCASTER, Mr. PETERSON of Minnesota, Mr. HANSEN, Mr. COMBEST, Mr. CLEMENT, Mr. EWING, Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Mr. BISHOP, Mr. EMERSON, Mr. DARDEN, Mr. MONTGOMERY, Mr. CAMP, Mr. GILLMOR, Ms. DANNER, Mr. PARKER, Mr. BLUTE, Mr. BALLENGER, Mr. VOLKMER, Mr. LIGHTFOOT, Mr. NUSSLE, Mr. CONDIT, Mr. KYL, Mr. MCCURDY, Mr. STEARNS, Mr. SARPALIUS, Mr. JOHNSON of Georgia, Mr. COLEMAN, Mr. STENHOLM, Mr. THOMAS of Wyoming, Mr. PETE GEREN of Texas, Mr. TAYLOR of Mississippi, Mr. SKEEN, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. STUMP, Mr. KIM, Mr. COX, Mr. DREIER, Mr. YOUNG of Alaska, Mr. MCCOLLUM, Mr. HUTTO, Mr. MINGE, Mr. SMITH of Texas, Mr. LAUGHLIN, Mr. WILSON, Mr. REGULA, Mr. SOLOMON, Mr. EVERETT, Mr. SPENCE, Mr. LAROCO, Mr. PETRI, Mr. POSHARD, Mr. LEWIS of California, Mr. LEVY, Mr. SMITH of Michigan, Mr. ALLARD, Mr. DUNCAN, Mr. MICA, Mr. COBLE, Mr. MCINNIS, and Mr. SISISKY

SEPTEMBER 23, 1994

Reported with an amendment; referred to the following committees for a period ending not later than September 26, 1994: to the Committee on Science, Space, and Technology for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r), rule X; and to the Committee on the Judiciary for consideration of such portions of sections 15 and 17 of the amendment recommended by the Committee on Energy and Commerce as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X.

[Strike out all after the enacting clause and insert the part printed in italic]

SEPTEMBER 26, 1994

Additional sponsors: Mr. HASTERT, Mr. BUNNING, Mr. EDWARDS of Texas, Mr. ANDREWS of New Jersey, Mr. BARTON of Texas, Mr. DOOLEY, Mr. KOPETSKI, Mr. BAKER of California, Mr. INHOFE, Mr. LEACH, Mr. GOODLING, Mr. MANZULLO, Mr. CALVERT, Mr. ZELIFF, Mr. McKEON, Mr. GORDON, Mr. OXLEY, Ms. LONG, Mr. ROTH, Mr. COLLINS of Georgia, Mr. TEJEDA, Mr. KREIDLER, Mr. KNOLLENBERG, Mr. PENNY, Mr. KINGSTON, Mr. PETERSON of Florida, Mr. QUINN, Mr. BURTON of Indiana, Mr. SWIFT, Mr. CLYBURN, Mr. SPRATT, Mr. BREWSTER, Mr. DEAL, Ms. PRYCE of Ohio, Mr. ACKERMAN, Mr. RAMSTAD, Mr. SENSENBRENNER, Mr. MAZZOLI, Mr. WOLF, Mr. ORTIZ, Mr. SCHIFF, Mr. CUNNINGHAM, Mr. McCANDLESS, Mr. JACOBS, Mr. ROYCE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. BOEHNER, Mr. ROSE, Mr. ORTON, Mr. HERGER, Mr. LEWIS of Florida, Mr. DORNAN, Mr. BROWDER, Mrs. THURMAN, Mr. DICKS, Mr. TRAFICANT, Mr. GALLEGLY, Mr. DICKEY, Ms. KAPTUR, Mr. ROHRBACHER, Mr. HUTCHINSON, Mr. JOHNSON of South Dakota, Mr. TAYLOR of North Carolina, Mr. THOMAS of California, Mr. RAVENEL, Mr. TALENT, Mr. ARCHER, Mr. CRANE, Mr. CRAPO, Mr. MYERS of Indiana, Mr. GENE GREEN of Texas, Mr. BOUCHER, Mr. BAESLER, Mr. McMILLAN, Mr. HOBSON, Mr. GINGRICH, Mr. KOLBE, Mr. BONILLA, Mr. HORN, Mr. ROGERS, Mr. SAM JOHNSON of Texas, Mr. SUNDQUIST, Mr. BATEMAN, Mr. SMITH of Oregon, Mr. ROBERTS, Mr. GOSS, Mr. ARMEY, Mr. WHITTEN, Mr. GOODLATTE, Mr. HAMILTON, Mr. FIELDS of Texas, Mr. SCHAEFER, Mr. LINDER, Mr. McCRERY, Mr. TANNER, Mr. VALENTINE, Mr. WISE, Mr. INSLEE, Mr. LUCAS, Mr. WALKER, Mr. CLINGER, Mr. GEKAS, Mr. BORSKI, Mr. GRAMS, Mr. HYDE, Mrs. CLAYTON, Mr. GALLO, and Ms. SNOWE

SEPTEMBER 26, 1994

Committees on Science, Space, and Technology and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 27, 1993]

A BILL

To amend the Safe Drinking Water Act to assure the safety of public water systems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Safe Drinking Water*
5 *Act Amendments of 1994”.*

6 **SEC. 2. REFERENCES; EFFECTIVE DATE; DISCLAIMER.**

7 (a) *REFERENCE TO SAFE DRINKING WATER ACT.—*
8 *Except as otherwise expressly provided, whenever in this*
9 *Act an amendment or repeal is expressed in terms of an*
10 *amendment to, or repeal of, a section or other provision,*
11 *the reference shall be considered to be made to a section or*
12 *other provision of title XIV of the Public Health Service*
13 *Act (the Safe Drinking Water Act) (42 U.S.C. 300f and*
14 *following).*

15 (b) *EFFECTIVE DATE.—Except as otherwise specified*
16 *in this Act or in the amendments made by this Act, the*
17 *amendments made by this Act shall take effect on the date*
18 *of enactment of this Act.*

19 (c) *DISCLAIMER.—Nothing in this Act or in any*
20 *amendments made by this Act to title XIV of the Public*
21 *Health Service Act (the Safe Drinking Water Act) or any*
22 *other law shall be construed by the Administrator of the*

1 *Environmental Protection Agency or the courts as affecting,*
 2 *modifying, expanding, changing, or altering (1) the provi-*
 3 *sions of the Federal Water Pollution Control Act, (2) the*
 4 *duties and responsibilities of the Administrator under that*
 5 *Act, or (3) the regulation or control of point or nonpoint*
 6 *sources of pollution discharged into waters covered by that*
 7 *Act. The Administrator shall identify in the agency's an-*
 8 *nual budget all funding and full-time equivalents admin-*
 9 *istering the Safe Drinking Water Act separately from fund-*
 10 *ing and staffing for the Federal Water Pollution Control*
 11 *Act.*

12 **SEC. 3. NATIONAL DRINKING WATER REGULATIONS.**

13 (a) *NEW CONTAMINANT SELECTION.*—Section
 14 1412(b)(3) is amended to read as follows:

15 “(3) *REGULATION OF UNREGULATED CONTAMI-*
 16 *NANTS.*—

17 “(A) *PROPOSED LISTS.*—(i) *Within 1 year after*
 18 *the enactment of the Safe Drinking Water Act*
 19 *Amendments of 1994, the Administrator, after con-*
 20 *sultation with the scientific community, including the*
 21 *Science Advisory Board, shall select and publish a*
 22 *proposed list of not fewer than 15 contaminants*
 23 *which are known or anticipated to occur in public*
 24 *water systems, which are not subject to any proposed*
 25 *or promulgated national primary drinking water reg-*

1 *ulation, and which may require regulation under this*
2 *title.*

3 *“(ii) Within 5 years after the enactment of the*
4 *Safe Drinking Water Act Amendments of 1994 and*
5 *every 4 years thereafter, the Administrator, after con-*
6 *sultation with the scientific community, including the*
7 *Science Advisory Board, and after considering the oc-*
8 *currence data base established under section 1445(g),*
9 *shall (in addition to the contaminants listed under*
10 *clause (i)) select and publish a proposed list of not*
11 *fewer than 12 contaminants which are not subject to*
12 *any proposed or promulgated national primary*
13 *drinking water regulation, which are known or an-*
14 *ticipated to occur in public water systems, and which*
15 *may require regulation under this title.*

16 *“(iii) If, after the year 2010, the Administrator*
17 *determines that the number of unregulated contami-*
18 *nants meeting the criteria for the list under clause*
19 *(ii) is fewer than 12, the Administrator may, by rule,*
20 *waive the requirement to select at least 12 contami-*
21 *nants every 4 years under that clause. At any time*
22 *after such rule is promulgated, the Administrator*
23 *may, after consultation with the scientific commu-*
24 *nity, including the Science Advisory Board and after*
25 *considering the occurrence data base established under*

1 *section 1445(g), select a proposed list of 1 or more*
2 *contaminants (in addition to the contaminants listed*
3 *under clause (i) or (ii)) which are known or antici-*
4 *pated to occur in public water systems, which are not*
5 *subject to any proposed or promulgated national pri-*
6 *mary drinking water regulation, and which may re-*
7 *quire regulation under this title.*

8 *“(iv) In selecting unregulated contaminants for*
9 *the proposed lists referred to in this paragraph, the*
10 *Administrator shall select contaminants that present*
11 *the greatest public health concern. The Administrator,*
12 *in making such selection, shall take into consider-*
13 *ation, among other factors of public health concern,*
14 *the effect of such contaminants upon subgroups that*
15 *comprise a meaningful portion of the general popu-*
16 *lation (such as pregnant woman and children) that*
17 *are identifiable as being at greater health risk than*
18 *the general population, based on adequate scientific*
19 *information. The unregulated contaminants consid-*
20 *ered for such proposed lists shall include, but not be*
21 *limited to, substances referred to in section 101(14) of*
22 *the Comprehensive Environmental Response Com-*
23 *ensation and Liability Act of 1980, and substances*
24 *registered as pesticides under the Federal Insecticide,*
25 *Fungicide, and Rodenticide Act.*

1 “(v) *The Administrator’s decision whether or not*
2 *to select an unregulated contaminant for a proposed*
3 *list pursuant to this paragraph shall not be subject to*
4 *judicial review.*

5 “(B) *FINAL LIST.—Each proposed list estab-*
6 *lished in subparagraph (A) shall be subject to public*
7 *comment for a period of at least 60 days. Within 6*
8 *months after the close of the public comment period,*
9 *and not later than 1 year after the proposed list is*
10 *published, the Administrator shall publish in the Fed-*
11 *eral Register the final list of contaminants meeting*
12 *the requirements of subparagraph (A), together with*
13 *responses to significant comments. Each final list*
14 *shall include at least the minimum number of con-*
15 *taminants specified in subparagraph (A).*

16 “(C) *DETERMINATION TO REGULATE.—At any*
17 *time after the final list of contaminants established*
18 *under subparagraph (B) is published, but not later*
19 *than 30 months thereafter, the Administrator shall de-*
20 *termine, by rule, whether or not to regulate each of*
21 *the contaminants on such final list. The Adminis-*
22 *trator, after notice in the Federal Register, may ex-*
23 *tend the period for making such determination for*
24 *any or all of the contaminants on the list for up to*
25 *9 months. The Administrator shall allow at least 90*

1 *days for public comment prior to making a deter-*
2 *mination under this subparagraph. A determination*
3 *to regulate a contaminant shall be based on the fol-*
4 *lowing three findings:*

5 “(i) A finding that the contaminant is
6 known to occur in public water systems.

7 “(ii) A finding that, based on the best avail-
8 able public health information, the contaminant
9 occurs in concentrations which have or may have
10 any adverse effect on the health of persons.

11 “(iii) A finding that regulation of such con-
12 taminant presents a meaningful opportunity for
13 public health risk reduction for persons served by
14 public water systems.

15 *The Administrator may regulate a contaminant that*
16 *does not appear on a list published under subpara-*
17 *graph (A) or (B) if the determination to regulate is*
18 *pursuant to this subparagraph.*

19 “(D) *REGULATION.—For each contaminant*
20 *under subparagraph (C) that the Administrator deter-*
21 *mines shall be regulated, the Administrator shall pro-*
22 *mulgate, by rule, maximum contaminant level goals*
23 *and national primary drinking water regulations as*
24 *provided in paragraphs (4) and (5) of this subsection.*

25 *The Administrator shall propose the maximum con-*

1 *taminant level goal and national primary drinking*
2 *water regulation not later than 18 months after the*
3 *determination to regulate under subparagraph (C),*
4 *and may publish such proposed regulation concurrent*
5 *with the determination to regulate. The Adminis-*
6 *trator shall allow at least 90 days for public comment*
7 *on any such proposed goal and proposed regulation.*
8 *The Administrator shall promulgate a maximum con-*
9 *taminant level goal and national primary drinking*
10 *water regulation within 18 months after the proposal*
11 *thereof. The Administrator, by notice in the Federal*
12 *Register, may extend the deadline for such promulga-*
13 *tion for up to 9 months.*

14 “(E) *HEALTH ADVISORIES.*—The Administrator
15 *may publish health advisories (which are not regula-*
16 *tions) or take other appropriate actions for contami-*
17 *nants not subject to any national primary drinking*
18 *water regulation.*

19 “(F) *STUDY OF HEALTH EFFECTS.*—As part of
20 *the Administrator’s study, under existing authorities*
21 *of the Administrator, of the health effects of contami-*
22 *nants for regulatory purposes, the Administrator shall*
23 *examine, among other health related issues, methods*
24 *for identifying subpopulations that may be impacted*
25 *by contaminants and the extent and nature of such*

1 *impacts, taking into consideration other risks to such*
2 *subpopulations. There are authorized to be appro-*
3 *priated such sums as may be necessary for the Ad-*
4 *ministrator to examine the health effects of drinking*
5 *water contaminants for such regulatory purposes.*

6 “(G) *CRYPTOSPORIDIUM*.—(i) Not later than De-

7 *cember 31, 1996, the Administrator shall publish a*
8 *maximum contaminant level goal and promulgate an*
9 *interim national primary drinking water regulation*
10 *for cryptosporidium for public water systems serving*
11 *10,000 persons or more. Such regulation shall take ef-*
12 *fect not later than 24 months after the date of pro-*
13 *mulgation.*

14 “(ii) Not later than December 31, 1998, the Ad-

15 *ministrator shall promulgate a national primary*
16 *drinking water regulation for cryptosporidium. Such*
17 *regulation shall take effect, for public water systems*
18 *of all sizes, not later than 24 months after the date*
19 *of promulgation.*

20 *Each date for publication and promulgation specified in*
21 *clause (i) and (ii) may be delayed by up to 6 months if*
22 *the Administrator determines that such additional time is*
23 *necessary to review information under the Administrator’s*
24 *information collection rule.”.*

1 (b) *LIMITED ALTERNATIVE TO FILTRATION REQUIRE-*
2 *MENTS.—Section 1412(b)(7)(C) is amended by adding at*
3 *the end the following:*

4 “(v) *As an additional alternative to the regulations*
5 *promulgated pursuant to clauses (i) and (iii), including the*
6 *criteria for avoiding filtration contained in 40 CFR 141.71,*
7 *a State exercising primary enforcement responsibility for*
8 *public water systems may establish, on a case-by-case basis*
9 *and after notice and an opportunity of at least 90 days*
10 *for public comment, alternatives to filtration requirements*
11 *in effect on such date of enactment, in the case of systems*
12 *having uninhabited, undeveloped watersheds in consoli-*
13 *dated ownership, and having control over access to, and ac-*
14 *tivities in, those watersheds if (taking into consideration*
15 *the effects of wildlife in such watersheds) the State deter-*
16 *mines (and the Administrator concurs) that the public*
17 *health will be fully protected by such alternatives consistent*
18 *with the requirements of this title. The authority of a State*
19 *to establish alternatives under this clause shall expire 3*
20 *years after the enactment of the Safe Drinking Water Act*
21 *Amendments of 1994.”.*

22 (c) *COMPLIANCE DATES.—Section 1412(b) is amended*
23 *by striking the first sentence in paragraph (10) and by add-*
24 *ing the following at the end thereof:*

1 “(12) Within 24 months after the promulgation of a
2 national primary drinking water regulation under this sub-
3 section, each State exercising primary enforcement respon-
4 sibility for public water systems shall adopt corresponding
5 State regulations under section 1413(a)(1). The Adminis-
6 trator shall specify the date upon which public water sys-
7 tems must comply with each national primary drinking
8 water regulation promulgated under this subsection. Such
9 compliance date may not be more than 36 months after the
10 date of promulgation, except that if the Administrator de-
11 termines that additional time is necessary for capital im-
12 provements required to meet the national primary drinking
13 water regulations, the Administrator may establish a later
14 compliance date. Such later date shall not be later than 48
15 months after the date of promulgation (or 60 months in
16 the case of systems serving fewer than 3,300 persons). Each
17 State with primary enforcement responsibility may deter-
18 mine a public water system’s eligibility for any extension
19 beyond 36 months. Nothing in this paragraph shall limit
20 the discretion of the Administrator to differentiate among
21 the compliance dates on the basis of system size or other
22 factors considered appropriate by the Administrator, or to
23 establish interim compliance milestones.”.

24 **SEC. 4. STANDARD SETTING.**

25 Section 1412 is amended as follows:

1 (1) *The second sentence of subsection (b)(4) is*
2 *amended by inserting before the period the following:*
3 *“or a treatment technique established pursuant to*
4 *paragraph (7)(A) of this subsection”.*

5 (2) *Subsection (b)(5) is amended as follows:*

6 (A) *In the first sentence, strike “feasible”*
7 *after “means” and insert “achievable”; and after*
8 *“technology” strike “, treatment techniques and”*
9 *and insert “or”.*

10 (B) *Insert “(A)” after “(5)” and add the*
11 *following at the end thereof:*

12 “(B) *For purposes of taking costs into consideration*
13 *pursuant to the first sentence of subparagraph (A) of this*
14 *paragraph, in the case of any national primary drinking*
15 *water regulation proposed and promulgated after enactment*
16 *of the Safe Drinking Water Act Amendments of 1994 (other*
17 *than a national primary drinking water regulation covered*
18 *by subparagraph (C) or (D)), the Administrator shall con-*
19 *sider (in the case of nonthreshold contaminants) and may*
20 *consider (in the case of threshold contaminants) both the*
21 *incremental compliance costs likely to be incurred and the*
22 *incremental public health risk reduction benefits afforded*
23 *by alternative levels. The terms ‘costs’ and ‘benefits’, as used*
24 *in this subparagraph—*

1 “(i) shall include additional and identifiable re-
2 ductions, if any, of regulated contaminants not cov-
3 ered by such proposed or promulgated regulation that
4 are expected to be achieved solely from the use of the
5 applicable technology or technologies that form the
6 basis for such regulation, and

7 “(ii) shall include consideration of the effects of
8 such contaminants upon subgroups that comprise a
9 meaningful portion of the general population, such as
10 pregnant women and children, that are identifiable as
11 being at greater health risk than the general popu-
12 lation based on adequate scientific information.

13 “(C) Subparagraph (B) shall not take effect with re-
14 spect to the first promulgation after the date of enactment
15 of the Safe Drinking Water Act Amendments of 1994, or
16 with respect to the initial revision after such date, of a na-
17 tional primary drinking water regulation for the following:

18 “(i) Contaminants covered by the proposed na-
19 tional primary drinking water regulation for radio-
20 nuclides as set forth in 56 Federal Register 33050,
21 July 19, 1991.

22 “(ii) Sulfate.

23 “(iii) Contaminants covered by the proposed ne-
24 gotiated rules on (I) disinfectants and disinfection by-
25 products as set forth in 59 Federal Register 38668,

1 *July 29, 1994, and (II) enhanced surface water treat-*
2 *ment as set forth in 59 Federal Register 38832, July*
3 *29, 1994. Subparagraph (B) shall also not take effect*
4 *with respect to the promulgation of a second stage*
5 *regulation for contaminants covered by the proposed*
6 *negotiated rules referred to in clause (iii).*

7 *Any subsequent revision of any such regulation shall be sub-*
8 *ject to the provisions of subparagraph (D).*

9 *“(D) In the case of any national primary drinking*
10 *water regulation for a contaminant regulated prior to en-*
11 *actment of the Safe Drinking Water Act Amendments of*
12 *1994, or any subsequent revision of a national primary*
13 *drinking water regulation established in accordance with*
14 *subparagraph (C), subparagraph (B) shall apply to any*
15 *proposal to amend such national primary drinking water*
16 *regulation only if a review required pursuant to paragraph*
17 *(9) results in findings by the Administrator, published in*
18 *the Federal Register, that changes in technology, treatment*
19 *techniques, or other means permit greater protection of the*
20 *health of persons. If the Administrator promulgates such*
21 *regulation in accordance with subparagraph (B), such regu-*
22 *lation must provide for greater protection of the health of*
23 *persons. If the Administrator does not promulgate a regula-*
24 *tion in accordance with subparagraph (B) because such*
25 *greater protection of the health of persons is not achievable,*

1 *the Administrator may initiate a new rulemaking under*
2 *subparagraph (A) or retain the existing national primary*
3 *drinking water regulations.*

4 “(E) Any subsequent revision of a national primary
5 *drinking water regulation for contaminants regulated in*
6 *accordance with subparagraph (C) or (D) (where such revi-*
7 *sion is pursuant to the standard setting language of sub-*
8 *paragraph (B)) shall, at a minimum, provide greater pro-*
9 *tection of the health of persons than the regulation in effect*
10 *on the date of enactment of the Safe Drinking Water Act*
11 *Amendments of 1994 for such contaminant or, in the case*
12 *of contaminants subject to subparagraph (C), than the regu-*
13 *lation promulgated under subparagraph (C). If the Admin-*
14 *istrator does not promulgate such regulation in accordance*
15 *with subparagraph (B) because such greater protection is*
16 *not achievable, the Administrator may initiate a new rule-*
17 *making pursuant to subparagraph (A) or retain the exist-*
18 *ing national primary drinking water regulations.*

19 “(F) In the absence of scientific evidence suggesting
20 *new or more serious health effects than existing on the date*
21 *of enactment of the Safe Drinking Water Act Amendments*
22 *of 1994, for purposes of proposal and promulgation after*
23 *such date of a national primary drinking water regulation*
24 *for sulfate, the Administrator shall include—*

1 “(i) best technology or other means under sub-
2 section (b)(5), and

3 “(ii) public notification and options for provi-
4 sion of alternative water to populations at risk as al-
5 ternative means for complying with such regulation.

6 Such proposal shall be made within 6 months after such
7 date of enactment and such rule shall be promulgated with-
8 in 2 years after such date of enactment.

9 “(G)(i) Except as provided in clause (ii), notwith-
10 standing any provision of any law enacted prior to the en-
11 actment of the Safe Drinking Water Act Amendments of
12 1994, within 6 months of such date of enactment, the Ad-
13 ministrators shall promulgate a national primary drinking
14 water regulation for radon.

15 “(ii) For the period of 5 years from the date of promul-
16 gation of the regulation under clause (i) or from the end
17 of the 6-month period referred to in such clause, whichever
18 comes first, such regulation shall provide that public water
19 systems may comply with an alternative maximum con-
20 taminant level of 1000 picocuries per liter. If the Congress
21 enacts legislation which reauthorizes the Indoor Radon
22 Abatement Act in the 103d or 104th Congress, such alter-
23 native maximum contaminant level shall thereafter be
24 deemed to be the applicable maximum contaminant level
25 for purposes of such regulation.”.

1 (3) *In the first sentence of subsection (b)(7)(A),*
2 *strike the word “ascertain” and insert “measure”.*

3 (4) *In subsection (b)(9) strike “3-year” and in-*
4 *sert “5-year”. No change to section 1412(b)(9) made*
5 *by this Act shall be a basis for delaying the promul-*
6 *gation of any rule proposal pursuant to section*
7 *1412(b)(9) prior to the date of the enactment of this*
8 *Act.*

9 (5) *Add the following new subsection at the end*
10 *thereof:*

11 “(f) *METHODOLOGIES; RISK ASSESSMENT.—(1) The*
12 *Administrator, in carrying out the provisions of this title,*
13 *is expected, consistent with the intent of Congress, to use*
14 *at all times sound, unbiased, and objective scientific prac-*
15 *tices and methodologies. The Administrator, in carrying out*
16 *the Administrator’s responsibilities under this title, shall*
17 *ensure that the presentation of information on significant*
18 *health risks is unbiased and informative.*

19 “(2) *To the extent feasible, documents made available*
20 *to the general public which describe the degree of risk from*
21 *exposure shall, at a minimum, characterize the population*
22 *or populations, (including any identifiable subpopulations,*
23 *as referred to in section 1412(b)(5)(B)(ii), at greater risk*
24 *than the general population) addressed by any agency risk*
25 *estimates; state the expected risk for the specific population;*

1 *and state the reasonable range or other equivalent descrip-*
2 *tion of uncertainty in the assessment process.”.*

3 **SEC. 5. SMALL SYSTEM TECHNOLOGY.**

4 *Section 1412(b)(6) is amended to read as follows:*

5 *“(6)(A) For purposes of this section and section 1415,*
6 *at the time the Administrator proposes and promulgates a*
7 *national primary drinking water regulation establishing a*
8 *maximum contaminant level for any contaminant, the Ad-*
9 *ministrator shall propose and promulgate a listing of the*
10 *best technology or other means available for achieving com-*
11 *pliance with such regulation for large public water systems,*
12 *and a listing of the best technology or other means, if any,*
13 *available for achieving compliance with such regulation for*
14 *public water systems in each of the following categories:*

15 *“(i) Systems serving fewer than 10,000 persons*
16 *but not fewer than 3,300 persons.*

17 *“(ii) Systems serving 3,300 persons or fewer.*

18 *In proposing and promulgating lists for systems described*
19 *in clauses (i) and (ii), the Administrator shall consider cost*
20 *variations associated with system size.*

21 *“(B) For purposes of this section and section 1415, at*
22 *the time the Administrator proposes and promulgates a na-*
23 *tional primary drinking water regulation establishing a*
24 *treatment technique for any contaminant, the Adminis-*
25 *trator shall propose and promulgate, for large public water*

1 *systems, and for systems in the size ranges referred to in*
2 *clause (i) and (ii) of subparagraph (A), a listing of the best*
3 *technology or other means, if any, available for achieving*
4 *a level of protection for public health equivalent to the level*
5 *of protection provided by such treatment technique for sys-*
6 *tems in such size ranges.*

7 “(C) A listing under this paragraph of the best tech-
8 *nology or other means under subparagraph (A) shall not*
9 *be construed to require or authorize that any specified tech-*
10 *nology or other means be used for purpose of meeting any*
11 *national primary drinking water regulation.*

12 “(D) A listing under this paragraph of the best tech-
13 *nology or other means shall provide as much reliable infor-*
14 *mation as practicable on performance, effectiveness, limita-*
15 *tions, costs, and other relevant factors in support of the list-*
16 *ing, including the applicability of such technology or other*
17 *means to surface and underground source waters, or both.*
18 *Consistent with such reliable information, each State exer-*
19 *cising primary enforcement responsibility for such systems*
20 *shall presume (pending the availability of monitoring data,*
21 *pending availability of information on a system’s viability,*
22 *including the availability of financial assistance under this*
23 *title, and pending other relevant factors) that use of such*
24 *technology or other means should enable the public water*

1 *system concerned to meet the national primary drinking*
2 *water regulation.*

3 “(E) The Administrator shall, on a continuing basis,
4 *assess the engineering feasibility, performance, effectiveness,*
5 *costs, and limitations of best technologies and other means*
6 *of meeting national primary drinking water regulations,*
7 *and may, by rule, revise the list under subparagraph (A)*
8 *or (B) as appropriate.*

9 “(F) As used in this paragraph, the term ‘best tech-
10 *nology’ for public water systems shall include, whenever ap-*
11 *propriate, innovative and alternative technologies.*

12 “(G) At any time after the promulgation of a national
13 *primary drinking water regulation, the Administrator may*
14 *add to the lists under this paragraph, by guidance pub-*
15 *lished in the Federal Register, any new or innovative tech-*
16 *nology or other means. A State may treat such technologies*
17 *in the same manner as those listed pursuant to subpara-*
18 *graph (A) or (B).*

19 “(H) To the greatest extent possible, within 24 months
20 *after the enactment of the Safe Drinking Water Act Amend-*
21 *ments of 1994, the Administrator shall publish each of the*
22 *following for public water systems in the size ranges re-*
23 *ferred to in clauses (i) and (ii) of subparagraph (A)—*

24 “(i) For contaminants subject to a maximum
25 *contaminant level promulgated prior to such publica-*

1 *tion, a list of best technologies available that achieve*
 2 *compliance with such maximum contaminant level.*

3 *“(ii) For contaminants subject to a treatment*
 4 *technique promulgated prior to such publication, a*
 5 *list of alternative technologies that achieve a level of*
 6 *protection of public health equivalent to the level of*
 7 *protection provided by such treatment technique.”.*

8 **SEC. 6. AMENDMENTS TO SECTION 1413.**

9 *(a) EMERGENCY PLANS.—Section 1413(a)(5) is*
 10 *amended by inserting after “emergency circumstances” the*
 11 *following: “including earthquakes, floods, hurricanes, and*
 12 *other natural disasters”.*

13 *(b) PROTECTION OF DRINKING WATER DISTRIBUTION*
 14 *SYSTEMS.—Section 1413(a) is amended by adding the fol-*
 15 *lowing after paragraph (6), as added by section 7(a):*

16 *“(7) has adopted (pursuant to guidance issued*
 17 *by the Administrator not later than 3 years after the*
 18 *date of the enactment of the Safe Drinking Water Act*
 19 *Amendments of 1994) and implemented requirements*
 20 *for public water systems in the State to take feasible*
 21 *measures to protect the distribution system from con-*
 22 *tamination due to leakage from sewer lines.”.*

23 *(c) RECYCLING OF FILTER BACKWASH.—Section 1413*
 24 *is amended by adding at the end thereof the following:*

1 “(c) *RECYCLING OF FILTER BACKWASH.*—The Admin-
 2 istrator shall promulgate a regulation to govern the recy-
 3 cling of filter backwash water within the treatment process
 4 of a public water system. The Administrator shall promul-
 5 gate such regulation not later than 3 years after the date
 6 of the enactment of the Safe Drinking Water Act Amend-
 7 ments of 1994 unless such recycling has been addressed by
 8 the Administrator’s ‘enhanced surface water treatment rule’
 9 prior to such date. Any regulation under this subsection
 10 shall be deemed to be a national primary drinking water
 11 regulation for purposes of this title.”.

12 **SEC. 7. CERTIFICATION OF LABORATORIES AND OPERA-**
 13 **TORS.**

14 (a) *CERTIFICATION.*—Section 1413(a) is amended by
 15 striking “and” at the end of paragraph (4), by striking the
 16 period at the end of paragraph (5) and inserting a semi-
 17 colon, and by adding the following at the end thereof:

18 “(6) has adopted and is implementing, within 2
 19 years after the promulgation of regulations pursuant
 20 to section 1442(h), requirements for the certification
 21 of—

22 “(A) laboratories conducting tests pursuant
 23 to this part, and

1 “(B) operators of community and
2 nontransient noncommunity public water sys-
3 tems; and”.

4 (b) *STANDARDS*.—Section 1442 is amended by adding
5 the following at the end thereof:

6 “(h) *MINIMUM STANDARDS*.—(1) Not later than 30
7 months after the date of enactment of the Safe Drinking
8 Water Act Amendments of 1994 and after consultation with
9 States exercising primary enforcement responsibility for
10 public water systems, the Administrator shall promulgate
11 regulations specifying minimum standards for certification
12 (and recertification) of the operators of public water sys-
13 tems. Such regulations shall take into account existing
14 State programs, the complexity of the system and other fac-
15 tors aimed at providing an effective program at reasonable
16 cost to States and public water systems, taking into account
17 the size of the system.

18 “(2) Not later than 3 years after the date of enactment
19 of the Safe Drinking Water Act Amendments of 1994 and
20 after consultation with States exercising primary enforce-
21 ment responsibility for public water systems, the Adminis-
22 trator shall promulgate regulations specifying minimum
23 standards for certification (and recertification) of labora-
24 tories conducting tests pursuant to this part. Such regula-

1 tions shall contain minimum criteria to ensure, to the ex-
2 tent possible, nationwide uniformity in such testing.

3 “(3) For any State exercising primary enforcement re-
4 sponsibility for public water systems which has an operator
5 certification program in effect on the date of the enactment
6 of the Safe Drinking Water Act Amendments of 1994, the
7 regulations under paragraph (1) shall allow the State to
8 enforce such program in lieu of the regulations under para-
9 graph (1) if the State submits the program to the Adminis-
10 trator within 18 months after the promulgation of such reg-
11 ulations unless the Administrator determines (within 9
12 months after the State submits the program to the Adminis-
13 trator) that such program is inconsistent with such regula-
14 tions. If disapproved it may be resubmitted in accordance
15 with section 1428(c).”.

16 (c) *STUDY OF TRANSIENT SYSTEMS.*—The Adminis-
17 trator of the Environmental Protection Agency shall survey
18 various categories of transient noncommunity public water
19 systems nationwide to evaluate any potential public health
20 threat posed by any lack of operator certification or train-
21 ing for such systems, and within 4 years after the date of
22 the enactment of the Safe Drinking Water Act Amendments
23 of 1994, report to Congress with appropriate recommenda-
24 tions.

1 **SEC. 8. ENFORCEMENT OF DRINKING WATER REGULA-**
2 **TIONS.**

3 (a) *NOTICE.*—Section 1414(a)(1)(A) is amended by
4 striking “he shall so notify the State and” and inserting
5 “the Administrator shall so notify the State, provide the
6 State with an opportunity to confer with the Adminis-
7 trator, and notify”.

8 (b) *EFFECTIVE DATE.*—Section 1414(g)(2) is amended
9 as follows:

10 (1) Amend the first sentence to read as follows:
11 “In the case of a State exercising primary enforce-
12 ment responsibility for public water systems, an order
13 issued under this subsection to enforce section 1445
14 shall not take effect until after the Administrator has
15 provided such State with an opportunity to confer
16 with the Administrator regarding the order.”.

17 (2) Strike “proposed” in the second sentence.

18 (c) *CIVIL PENALTY.*—Section 1414(g)(3) is amended
19 as follows:

20 (1) In subparagraph (B), strike “\$5,000” and
21 insert “\$75,000 (or \$100,000 if the violation occurs
22 for more than 15 days or the public water system
23 serves more than 10,000 persons)”.

24 (2) In subparagraph (C), strike “\$5,000” and
25 insert “\$75,000 (or \$100,000 if the violation occurs

1 for more than 15 days or the public water system
2 serves more than 10,000 persons)''.

3 (d) *ENFORCEABILITY OF STATE REQUIREMENTS.*—
4 Section 1414 is amended by adding the following at the
5 end thereof:

6 “(h) *STATE REQUIREMENTS.*—For a State exercising
7 primary enforcement responsibility for public water sys-
8 tems, any violation of a State requirement that implements
9 a national primary drinking water regulation shall be
10 treated as a violation of a national primary drinking water
11 regulation in effect under section 1412, except to the extent
12 that the State requirement includes elements that are more
13 stringent, or broader in scope, than elements of the national
14 primary drinking water regulation.”.

15 **SEC. 9. QUARTERLY NONCOMPLIANCE REPORTING.**

16 (a) *NONCOMPLIANCE REPORTING.*—Section 1413 is
17 amended by inserting the following new subsection after
18 subsection (c):

19 “(d) *QUARTERLY NONCOMPLIANCE REPORTING.*—(1)
20 Each State exercising primary enforcement responsibility
21 for public water systems shall submit quarterly reports to
22 the Administrator on a schedule and in a format prescribed
23 by the Administrator, consisting of each of the following
24 items:

1 “(A) Violations, during the previous quarter, by
2 public water systems in the State of State regulations
3 adopted to implement the requirements of national
4 primary drinking water regulations.

5 “(B) Enforcement actions taken, during the pre-
6 vious quarter, by the State against public water sys-
7 tems with respect to State regulations adopted to im-
8 plement the requirements of national primary drink-
9 ing water regulations.

10 “(C) Notification of any variance or exemption
11 granted during the previous quarter. The notice shall
12 include a statement of reasons for the granting of the
13 variance or exemption, including documentation of
14 the need for the variance or exemption and the find-
15 ing that the granting of the variance or exemption
16 will not result in an unreasonable risk to health. The
17 State may use a single notification statement to re-
18 port 2 or more similar variances or exemptions.

19 “(2) The reports under paragraph (1)(A) shall include
20 information specifying the contamination level in the case
21 of any exceedance of any maximum contaminant level in-
22 cluded in a national primary drinking water regulation.

23 “(3) The Administrator shall make all information re-
24 ported to the Administrator under this subsection available

1 *to the public in such manner as will ensure maximum ac-*
 2 *cessibility and comprehension by the public.”.*

3 *(b) COMPLIANCE WITH SUBSECTION (h).—Section*
 4 *1413(a)(3) is amended by inserting “, including reports*
 5 *under subsection (d),” after “reports”.*

6 ***SEC. 10. SMALL SYSTEM ASSISTANCE PROGRAM.***

7 *(a) BAAT VARIANCE.—Section 1415 is amended by*
 8 *adding the following at the end thereof:*

9 *“(e) SMALL SYSTEM ASSISTANCE PROGRAM.—*

10 *“(1) BAAT VARIANCES.—In the case of public*
 11 *water systems serving 3,300 persons or fewer, a vari-*
 12 *ance under this section shall be granted by a State*
 13 *which has primary enforcement responsibility for*
 14 *public water systems allowing the use of Best Avail-*
 15 *able Affordable Technology in lieu of best technology*
 16 *or other means where—*

17 *“(A) no best technology or other means is*
 18 *listed under subparagraph (A)(ii) or subpara-*
 19 *graph (B) of section 1412(b)(6) for a given con-*
 20 *taminant for public water systems serving 3,300*
 21 *persons or fewer;*

22 *“(B) the Administrator has identified*
 23 *BAAT for that contaminant pursuant to para-*
 24 *graph (3); and*

1 “(C) the State finds that the conditions in
2 paragraph (4) are met.

3 “(2) *DEFINITION OF BAAT.*—The term ‘Best
4 Available Affordable Technology’ or ‘BAAT’ means
5 the most effective technology or other means for the
6 control of a drinking water contaminant or contami-
7 nants that is available and affordable to systems serv-
8 ing fewer than 3,300 persons.

9 “(3) *IDENTIFICATION OF BAAT.*—(A) As part of
10 each national primary drinking water regulation
11 proposed and promulgated after the enactment of the
12 Safe Drinking Water Act Amendments of 1994, the
13 Administrator shall identify BAAT in any case where
14 no ‘best technology or other means’ is listed under
15 subparagraph (A)(ii) or subparagraph (B) of section
16 1412(b)(6) for that contaminant for systems serving
17 fewer than 3,300 persons. No such identified BAAT
18 shall require a technology from specific manufacturer
19 or brand. BAAT need not be adequate to achieve the
20 applicable maximum contaminant level or treatment
21 technique, but shall bring the public water system as
22 close to achievement of such maximum contaminant
23 level as practical or as close to the level of health pro-
24 tection provided by such treatment technique as prac-
25 tical, as the case may be. Any technology or other

1 *means identified as BAAT must be determined by the*
2 *Administrator to be protective of public health. Si-*
3 *multaneously with identification of BAAT, the Ad-*
4 *ministrator shall list any assumptions underlying the*
5 *public health determination referred to in the preced-*
6 *ing sentence, where such assumptions concern the*
7 *public water system to which the technology may be*
8 *applied, or its source waters. The Administrator shall*
9 *provide the assumptions used in determining afford-*
10 *ability, taking into consideration the number of per-*
11 *sons served by such systems. Such listing shall pro-*
12 *vide as much reliable information as practicable on*
13 *performance, effectiveness, limitations, costs, and*
14 *other relevant factors in support of such listing, in-*
15 *cluding the applicability of BAAT to surface and un-*
16 *derground waters or both.*

17 *“(B) To the greatest extent possible, within 24*
18 *months after the date of the enactment of the Safe*
19 *Drinking Water Act Amendments of 1994, the Admin-*
20 *istrator shall identify BAAT for all national primary*
21 *drinking water regulations proposed or promulgated*
22 *prior to such date of enactment where no best tech-*
23 *nology or other means is listed under subparagraph*
24 *(A)(ii) or subparagraph (B) of section 1412(b)(6) for*
25 *that contaminant for systems serving fewer than*

1 3,300 persons, and where compliance by such small
2 systems is not practical. In identifying BAAT for
3 such national primary drinking water regulations,
4 the Administrator shall give priority to evaluation of
5 atrazine, asbestos, selenium, pentachlorophenol, anti-
6 mony, and nickel.

7 “(4) CONDITIONS FOR BAAT VARIANCE.—To
8 grant a variance under this subsection, the State
9 must determine that—

10 “(A) the public water system cannot install
11 ‘best technology or other means’ because of the
12 system’s small size;

13 “(B) the public water system could not com-
14 ply with the maximum contaminant level
15 through use of alternate water supplies or
16 through management changes or restructuring,
17 as described in section 1419 (relating to public
18 water system viability);

19 “(C) the public water system has the capac-
20 ity to operate and maintain BAAT; and

21 “(D) the circumstances of the public water
22 system are consistent with the public health as-
23 sumptions identified by the Administrator under
24 paragraph (3).

1 “(5) *SCHEDULES.*—Any variance granted by a
2 State under this subsection shall establish a schedule
3 for the installation and operation of BAAT within a
4 period not to exceed 2 years after the issuance of the
5 variance, except that the State may grant an exten-
6 sion of 1 additional year upon application by the sys-
7 tem. The application shall include a showing of fi-
8 nancial or technical need. Variances under this sub-
9 section shall be for a term not to exceed 5 years (in-
10 cluding the period allowed for installation and oper-
11 ation of BAAT), but may be renewed for such addi-
12 tional 5-year periods by the State upon a finding
13 that the criteria in paragraph (4) continued to be
14 met.

15 “(6) *MICROBIOLOGICAL CONTAMINANTS.*—No
16 variance may be issued under this subsection for
17 microbiological contaminants.

18 “(7) *REVIEW.*—Any review by the Administrator
19 under paragraphs (4) and (5) shall be pursuant to
20 subsection (a)(1)(G)(i).”.

21 “(b) *TECHNICAL AND CONFORMING CHANGES.*—(1) Sec-
22 tion 1415 is amended by striking “best technology, treat-
23 ment techniques, or other means” and “best available tech-
24 nology, treatment techniques or other means” each place

1 *such terms appear and inserting in lieu thereof “best tech-*
2 *nology or other means”.*

3 *(2) Section 1415(a)(1)(A) is amended by striking the*
4 *third sentence and by striking “Before a schedule prescribed*
5 *by a State pursuant to this subparagraph may take effect”*
6 *and all that follows down to the beginning of the last sen-*
7 *tence.*

8 *(3) Section 1415(a)(1)(C) is amended as follows:*

9 *(A) Amend the first sentence to read as follows:*
10 *“Before a variance is issued and a schedule is pre-*
11 *scribed pursuant to this subsection or subsection (e)*
12 *by a State, the State shall provide notice and an op-*
13 *portunity for a public hearing on the proposed vari-*
14 *ance and schedule.”.*

15 *(B) Insert “under this section” before the period*
16 *at the end of the third sentence”.*

17 *(4) Section 1415(a)(1)(D) is amended as follows:*

18 *(A) Strike “under subparagraph (A)” and insert*
19 *“under this section”.*

20 *(B) Strike “that subparagraph” in each place it*
21 *appears and insert in each such place “this section”.*

22 *(C) Strike the last sentence.*

23 *(5) Section 1415(a)(1)(F) is amended by striking “3-*
24 *year” and inserting “5-year” and by amending the first*
25 *sentence to read as follows: “Not later than 5 years after*

1 *the enactment of the Safe Drinking Water Act Amendments*
 2 *of 1994, the Administrator shall complete a review of the*
 3 *variances granted under this section (and the schedules pre-*
 4 *scribed in connection with such variances).”.*

5 *(6) Section 1415(a)(1)(G)(i) is amended by striking*
 6 *“subparagraph (A) or (B)” and inserting “this section”.*

7 *(7) Section 1415(b) is amended by striking “para-*
 8 *graph (1)(B) or (2) of subsection (a)” and inserting “this*
 9 *section”.*

10 *(8) Section 1415(c) is amended by striking “subsection*
 11 *(a)” and inserting “this section”.*

12 *(9) Section 1415(d) is amended to read as follows:*

13 *“(d) **[REPEALED.]**”.*

14 **SEC. 11. EXEMPTIONS.**

15 *(a) SYSTEMS SERVING FEWER THAN 3,300 PER-*
 16 *SONS.—Section 1416 is amended by adding the following*
 17 *at the end thereof:*

18 *“(h) SMALL SYSTEMS.—(1) For public water systems*
 19 *serving fewer than 3,300 persons, the maximum exemption*
 20 *period shall be 4 years if the State is exercising primary*
 21 *enforcement responsibility for public water systems and de-*
 22 *termines that—*

23 *“(A) the public water system cannot meet the*
 24 *maximum contaminant level or install Best Available*
 25 *Affordable Technology (‘BAAT’) due in either case to*

1 *compelling economic circumstances (taking into con-*
2 *sideration the availability of financial assistance*
3 *under section 1443(c), relating to State Revolving*
4 *Funds) or other compelling circumstances;*

5 *“(B) the public water system could not comply*
6 *with the maximum contaminant level through the use*
7 *of alternate water supplies;*

8 *“(C) the granting of the exemption will provide*
9 *a drinking water supply that protects public health*
10 *given the duration of exemption; and*

11 *“(D) the State has met the requirements of para-*
12 *graph (2).*

13 *“(2)(A) Before issuing an exemption under this section*
14 *or an extension thereof for a small public water system de-*
15 *scribed in paragraph (1), the State shall—*

16 *“(i) examine the public water system’s technical,*
17 *financial, and managerial capability (taking into*
18 *consideration any available financial assistance) to*
19 *operate in, and maintain compliance with, this title,*
20 *and*

21 *“(ii) determine if management or restructuring*
22 *changes (or both) can reasonably be made that will*
23 *result in compliance with this title or, if compliance*
24 *cannot be achieved, improve the quality of the drink-*
25 *ing water.*

1 “(B) Management changes referred to in subparagraph
2 (A) may include rate increases, accounting changes, the hir-
3 ing of consultants, the appointment of a technician with
4 expertise in operating such systems, contractual arrange-
5 ments for a more efficient and capable system for joint oper-
6 ation, or other reasonable strategies to improve viability.

7 “(C) Restructuring changes referred to in subpara-
8 graph (A) may include ownership change, physical consoli-
9 dation with another system, or other measures to otherwise
10 improve customer base and gain economies of scale.

11 “(D) If the State determines that management or re-
12 structuring changes referred to in subparagraph (A) can
13 reasonably be made, it shall require such changes and a
14 schedule therefore as a condition of the exemption. If the
15 State determines to the contrary, the State may still grant
16 the exemption. The decision of the State under this subpara-
17 graph shall not be subject to review by the Administrator,
18 except as provided in subsection (d).

19 “(3) Paragraphs (1) and (3) of subsection (a) shall not
20 apply to an exemption issued under this subsection. Sub-
21 paragraph (B) of subsection (b)(2) shall not apply to an
22 exemption issued under this subsection, but any exemption
23 granted to such a system may be renewed for additional
24 4-year periods upon application of the public water system

1 *and after a determination that the criteria of paragraphs*
2 *(1) and (2) of this subsection continue to be met.*

3 *“(4) No exemption may be issued under this section*
4 *for microbiological contaminants.”.*

5 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1)*
6 *Section 1416(b)(1) is amended by striking “prescribed by*
7 *a State pursuant to this subsection” and inserting “pre-*
8 *scribed by a State pursuant to this subsection or subsection*
9 *(h)”.*

10 *(2) Section 1416(c) is amended by striking “under*
11 *subsection (a)” and inserting “under this section” and by*
12 *striking “including” in the second sentence and inserting*
13 *“including, in the case of an exemption under subsection*
14 *(a),”.*

15 *(3) Section 1416(d)(1) is amended by striking “3-*
16 *year” and inserting “4-year” and by amending the first*
17 *sentence to read as follows: “Not later than 4 years after*
18 *the date of enactment of the Safe Drinking Water Act*
19 *Amendments of 1994, the Administrator shall complete a*
20 *comprehensive review of the exemptions granted (and sched-*
21 *ules prescribed pursuant thereto) by the States during the*
22 *4-year period beginning on such date.”.*

23 *(4) Section 1416(b)(2)(C) is repealed.*

24 *(c) SYSTEMS SERVING MORE THAN 3,300 PERSONS.—*
25 *Section 1416(b)(2)(A)(ii) is amended by striking “12*

1 months” and inserting “4 years” and section 1416(b)(2)(B)
 2 is amended by striking “3 years after the date of the issu-
 3 ance of the exemption” and inserting “4 years after the ex-
 4 piration of the initial exemption”.

5 **SEC. 12. PUBLIC WATER SYSTEM VIABILITY.**

6 Part B is amended by adding the following at the end
 7 thereof:

8 **“SEC. 1419. PUBLIC WATER SYSTEM VIABILITY.**

9 “(a) EPA GUIDELINES.—Within 18 months after the
 10 enactment of the Safe Drinking Water Act Amendments of
 11 1994, the Administrator shall issue guidelines for purposes
 12 of subsection (b) for State programs to bring public water
 13 systems into compliance with this title and to maintain
 14 such compliance. The guidelines shall be developed in con-
 15 sultation with the States.

16 “(b) STATE PROGRAMS TO ASSURE VIABILITY.—With-
 17 in 2 years after issuance of guidelines under subsection (a),
 18 each State exercising primary enforcement responsibility
 19 for public water systems shall develop and implement a
 20 comprehensive program to assure the viability of commu-
 21 nity and noncommunity nontransient public water systems
 22 within that State which are subject to the provisions of sub-
 23 section (e). The program shall be treated as approved by
 24 the Administrator unless disapproved by the Administrator
 25 within 6 months after the date of its submittal. If dis-

1 *approved it may be resubmitted in accordance with section*
2 *1428(c).*

3 *“(c) FINANCIAL ASSISTANCE FOR SMALL SYSTEMS.—*

4 *(1) Except as provided in paragraph (2), no financial as-*
5 *sistance may be provided from funds made available under*
6 *section 1443(c) to any public water system in operation on*
7 *the date of enactment of the Safe Drinking Water Act*
8 *Amendments of 1994 that—*

9 *“(A) serves fewer than 10,000 persons, and*

10 *“(B) has a history of violations of monitoring re-*
11 *quirements or violations of national primary drink-*
12 *ing water regulations,*

13 *unless the State determines whether the public water system*
14 *has, or will have, the technical, managerial, and financial*
15 *capability to operate in compliance, and maintain compli-*
16 *ance, with this title. Such determination shall be based on*
17 *such information as the public water system may provide*
18 *to the State and such other information as may be available*
19 *to the State. In making such determination the State shall*
20 *take into consideration the financial assistance which may*
21 *be available to the public water system.*

22 *“(2)(A) If the State determines under paragraph (1)*
23 *that a public water system lacks the capability referred to*
24 *in paragraph (1), the State shall require adoption by the*
25 *system of management or restructuring changes or both be-*

1 fore providing funding to the system under section 1443(c),
2 except as provided in subparagraph (B). Management
3 changes may include rate increases, accounting changes, the
4 hiring of consultants, the appointment of a technician with
5 expertise in operating such systems, contractual arrange-
6 ments for a more efficient and capable system for joint oper-
7 ation, or other reasonable strategies to improve viability.
8 Restructuring changes may include ownership change,
9 physical consolidation with another system, or other meas-
10 ures to otherwise improve customer base and gain economies
11 of scale.

12 “(B) If the State determines under paragraph (1) that
13 a system lacks the capability referred to in paragraph (1),
14 funds provided under section 1443(c) (relating to State Re-
15 volving Funds) shall be available only to support such phys-
16 ical consolidation.

17 “(d) NEW SYSTEMS.—No financial assistance of any
18 kind may be provided under this title to any public water
19 system that is established, and begins operations, in any
20 State after the enactment of the Safe Drinking Water Act
21 Amendments of 1994, unless the Administrator determines
22 that the State has an effective operating permit program
23 or other means to ensure, before commencing operation, that
24 the system has the management and technical capacity and
25 financial capability, taking into account its customer base

1 *and other relevant factors, to comply and maintain compli-*
2 *ance with the applicable requirements of this title. No*
3 *change in the ownership of a public water system shall re-*
4 *sult in the application of the prohibition contained in this*
5 *subsection to such system.*

6 “(e) *STATE VIABILITY ASSESSMENTS.—(1) Before the*
7 *end of the first full fiscal year after the enactment of the*
8 *Safe Drinking Water Act Amendments of 1994, each State*
9 *shall establish a program for assessing, over a 5-year pe-*
10 *riod, the long-term technical, managerial, and financial ca-*
11 *pability of community and nontransient noncommunity*
12 *public water systems serving fewer than 10,000 persons that*
13 *are in violation of this title or may be in jeopardy of not*
14 *maintaining compliance with this title. The State shall es-*
15 *tablish a schedule for determining which systems to include*
16 *in the assessment program.*

17 “(2) *The assessment program referred to in paragraph*
18 *(1) shall include any public water system that has been in*
19 *significant noncompliance (as defined in guidelines issued*
20 *prior to the enactment of the Safe Drinking Water Act*
21 *Amendments of 1994 or any revisions thereof and in na-*
22 *tional primary drinking water regulations promulgated*
23 *after such date of enactment) or violated any maximum*
24 *contaminant level or treatment technique, any variance, or*
25 *any exemption under this title during the 2 years prior*

1 *to the date on which the State makes a determination (in*
2 *accordance with the schedule under in paragraph (1)) re-*
3 *garding whether to include such system in the assessment*
4 *program.*

5 “(3) *For all public water systems referred to in para-*
6 *graph (1) (other than those referred to in paragraph (2)),*
7 *the State shall establish, in consultation with the Adminis-*
8 *trator, a system of priorities, as part of the program for*
9 *conducting assessments, where there has been other non-*
10 *compliance during such 2-year period which the State con-*
11 *siders serious. The State shall publish such priorities and*
12 *file them with the Administrator. The State, in its discre-*
13 *tion and considering its resources, may, but is not required*
14 *to, conduct assessments of public water systems which are*
15 *in compliance during such period.*

16 “(f) *WAIVER.—The Administrator may waive any re-*
17 *quirements of this section in the case of a State viability*
18 *program adopted before the enactment of this section if the*
19 *Administrator finds that such State viability program is*
20 *fully achieving the objectives of this section.*

21 “(g) *AVAILABILITY OF SRF FUNDS.—Unless the State*
22 *has—*

23 “(1) *prior to the end of the first full fiscal year*
24 *after the enactment of the Safe Drinking Water Act*

1 *Amendments of 1994, established a program meeting*
 2 *the requirements of subsection (e), and*

3 *“(2) beginning with the third fiscal year after*
 4 *the Administrator issues guidelines under subsection*
 5 *(a), developed and implemented an approved program*
 6 *under subsection (b),*

7 *only 50 percent of the funds that would otherwise be allo-*
 8 *cated to that State under section 1443(c) (relating to State*
 9 *Revolving Funds) may be made available to the State.*

10 *“(h) EPA REVIEW.—The decisions of the State under*
 11 *this section regarding any particular public water system*
 12 *are not subject to review by the Administrator.”.*

13 **SEC. 13. SOURCE WATER ASSESSMENT AND PETITION PRO-**
 14 **GRAM.**

15 *(a) GUIDELINES AND PROGRAMS.—Section 1428 is*
 16 *amended by adding “**AND SOURCE WATER**” after*
 17 *“**WELLHEAD**” in the section heading and by adding at the*
 18 *end thereof the following:*

19 *“(l) SOURCE WATER ASSESSMENT.—*

20 *“(1) GUIDANCE.—Within 12 months after enact-*
 21 *ment of the Safe Drinking Water Act Amendments of*
 22 *1994, after notice and comment, the Administrator*
 23 *shall publish guidance for States exercising primary*
 24 *enforcement responsibility for public water systems to*
 25 *carry out directly or through delegation (for the pro-*

1 *tection and benefit of public water systems and for*
2 *the support of monitoring flexibility) a source water*
3 *assessment program within the State's boundaries.*

4 *“(2) PROGRAM REQUIREMENTS.—A source water*
5 *assessment program under this subsection shall—*

6 *“(A) delineate the boundaries of the assess-*
7 *ment areas in such State from which one or*
8 *more public water systems in the State receive*
9 *supplies of drinking water, using all reasonably*
10 *available hydrogeologic information on the*
11 *sources of the supply of drinking water in the*
12 *State and the water flow, recharge, and dis-*
13 *charge and any other reliable information as the*
14 *State deems necessary to adequately determine*
15 *such areas; and*

16 *“(B) identify for contaminants regulated*
17 *under this title for which monitoring is required*
18 *under this title (or any unregulated contami-*
19 *nants which the State, for the purposes of this*
20 *subsection, has determined to present an urgent*
21 *threat to public health), to the extent practical,*
22 *the origins within each delineated area of such*
23 *contaminants to determine the susceptibility of*
24 *the public water systems in the delineated area*
25 *to such contaminants.*

1 “(3) *APPROVAL, IMPLEMENTATION, AND MON-*
2 *ITORING RELIEF.*—A State source water assessment
3 *program under this subsection shall be submitted to*
4 *the Administrator within 18 months after the Admin-*
5 *istrator’s guidance is issued under this subsection and*
6 *shall be deemed approved 9 months after the date of*
7 *such submittal unless the Administrator disapproves*
8 *the program as provided in subsection (c). States*
9 *shall begin implementation of the program imme-*
10 *diately after its approval. The Administrator’s ap-*
11 *proval of a State program under this subsection shall*
12 *include a timetable, established in consultation with*
13 *the State, allowing not more than 2 years for comple-*
14 *tion after approval of the program. Public water sys-*
15 *tems seeking monitoring relief in addition to the in-*
16 *terim relief provided under section 1418(a) shall be*
17 *eligible for monitoring relief, consistent with section*
18 *1418(b), upon completion of the assessment in the de-*
19 *lineated source water assessment area or areas con-*
20 *cerned.*

21 “(4) *TIMETABLE.*—The timetable referred to in
22 *paragraph (3) shall take into consideration the avail-*
23 *ability to the State of funds under section 1443(c) (re-*
24 *lating to State Revolving Funds) for assessments and*
25 *other relevant factors. The Administrator may extend*

1 *any timetable included in a State program approved*
2 *under paragraph (3) to extend the period for comple-*
3 *tion by an additional 18 months. The timetable shall*
4 *be deemed to be part of the guidance published under*
5 *paragraph (1) and shall be subject to section 1450(j).*
6 *Compliance with subsection (g) shall not affect any*
7 *State permanent monitoring flexibility program ap-*
8 *proved under section 1418(b). To avoid duplication*
9 *and to encourage efficiency, the program shall, to the*
10 *extent practicable, be coordinated with other existing*
11 *programs and mechanisms, including the wellhead*
12 *protection program, vulnerability assessments, sani-*
13 *tary surveys, and monitoring programs.*

14 “(5) *DEMONSTRATION PROJECT.*—*The Adminis-*
15 *trator shall, as soon as practicable, conduct a dem-*
16 *onstration project, in consultation with other Federal*
17 *agencies, to demonstrate the most effective and protec-*
18 *tive means of assessing and protecting source waters*
19 *serving large metropolitan areas and located on Fed-*
20 *eral lands.*

21 “(m) *PETITION PROGRAM.*—

22 “(1) *SUBMISSION OF PETITIONS.*—*Within 18*
23 *months after publication by the Administrator of*
24 *guidance under subsection (l), each State exercising*
25 *primary enforcement responsibility shall adopt and*

1 *submit to the Administrator a source water petition*
2 *program. A petition under such program may request*
3 *that the State assist in addressing the origins of con-*
4 *taminants regulated under this title (or unregulated*
5 *contaminants for which the State has determined, for*
6 *purposes of this section, that there is an urgent threat*
7 *to public health) and that are not adequately ad-*
8 *dressed by the wellhead protection program or other*
9 *programs. The origins of such contaminants may in-*
10 *clude, to the extent practicable, the specific activities*
11 *that affect the drinking water supply of a community.*
12 *Such program shall also include provisions for vol-*
13 *untary partnerships, including those in which public*
14 *water systems and local governments participate and*
15 *submit petitions. The program shall provide for pub-*
16 *lic notice of petitions.*

17 “(2) CONTENTS OF PETITIONS.—Petitions sub-
18 *mitted to the State under this subsection may seek as-*
19 *sistance in directing, or redirecting, consistent with*
20 *applicable program authorities administrative, tech-*
21 *nical, or financial resources to address the origins of*
22 *drinking water contaminants regulated under this*
23 *title (or unregulated contaminants for which the State*
24 *has determined, for purposes of this section, that there*
25 *is an urgent threat to public health) and that are not*

1 *adequately addressed by the wellhead protection pro-*
2 *gram or other programs. Any such petition shall, at*
3 *a minimum—*

4 *“(A) include delineation of the source water*
5 *area covered by the petition, based on the source*
6 *water assessment delineation areas set forth in*
7 *subsection (1)(2)(A);*

8 *“(B) based on reasonably available data,*
9 *identify the nature of the problem that is the*
10 *basis for the petition;*

11 *“(C) to the extent practicable, identify the*
12 *origins of such drinking water contaminants;*
13 *and*

14 *“(D) identify any missing data necessary to*
15 *adequately characterize the problem that is the*
16 *basis of the petition.*

17 *Identification of a contaminant or contaminants in a*
18 *petition shall be contaminant specific. Contaminants*
19 *may be combined in a single petition. The State may*
20 *elect to waive the requirement for the petitioner to*
21 *meet subparagraph (D).*

22 *“(3) RESPONSE TO PETITIONS.—Each State re-*
23 *ceiving a petition under this subsection shall respond*
24 *to the petition in an expeditious manner unless the*
25 *State determines, in its discretion, that the petition*

1 *is frivolous. The State response may include, as ap-*
2 *propriate, utilization and coordination of programs,*
3 *technical assistance, financial assistance, education,*
4 *training, contingency plans and demonstration*
5 *projects for the delineated areas to protect the drink-*
6 *ing water supply of systems within those areas from*
7 *such contaminants. Nothing in this paragraph is in-*
8 *tended or shall be interpreted to create or convey any*
9 *new authority in any State, political subdivision of*
10 *a State, or public water system for any control meas-*
11 *ure or limit in any way any authority of a State, po-*
12 *litical subdivision of a State, or water system.*

13 “(4) APPROVAL OF PETITION PROGRAM.—The
14 Administrator’s approval of a State source water pe-
15 tition program under this subsection is not required
16 unless the State uses grant funds under section
17 1443(c) (relating to State Revolving Funds) to adopt
18 and implement the program. The State may use
19 grants allotted to the State under section 1443(c) for
20 such purposes only with the approval of the Adminis-
21 trator. If adopted with the use of funds made avail-
22 able under section 1443(c) by a State exercising pri-
23 mary enforcement responsibility for public water sys-
24 tems, the State shall comply with the delineation re-
25 quirements set forth in subsection (l)(2)(A) and the

1 *program shall contain, as appropriate, one or more*
2 *of the elements referred to in section 1428(a)(4).”.*

3 *(b) PUBLIC PARTICIPATION.—Subsection (b) of section*
4 *1428 is amended by adding the following at the end thereof:*
5 *“No funds shall be available to the State under section*
6 *1443(c) (relating to State Revolving Funds) for the purpose*
7 *of carrying out a State source water petition program un-*
8 *less the State procedures referred to in this section also*
9 *apply to any State source water petition program adopted*
10 *under subsection (m).”.*

11 *(c) APPROVAL AND DISAPPROVAL OF STATE PRO-*
12 *GRAMS.—Section 1428 is amended as follows:*

13 *(1) Amend the first sentence of subsection (c)(1)*
14 *to read as follows: “If, in the judgment of the Admin-*
15 *istrator, a State program or portion thereof under*
16 *subsection (a) is not adequate to protect public water*
17 *systems as required by subsection (a) or a State pro-*
18 *gram under subsection (l) or (m) or section 1418(b)*
19 *does not meet the applicable requirements of sub-*
20 *section (l), (m) or section 1418(b), the Administrator*
21 *shall disapprove such program or portion thereof.”.*

22 *(2) Add after the second sentence of subsection*
23 *(c)(1) the following: “A State program developed pur-*
24 *suant to subsection (l) or (m) or section 1418(b) shall*
25 *be deemed to meet the applicable requirements of sub-*

1 *section (l), (m) or section 1418(b) unless the Adminis-*
2 *trator determines within 9 months of the receipt of*
3 *the program that such program (or portion thereof)*
4 *does not meet such requirements.”.*

5 *(3) In the third sentence of subsection (c)(1) and*
6 *in subsection (c)(2) strike “is inadequate” and insert*
7 *“is disapproved”.*

8 *(4) Add the following at the end of subsection*
9 *(c)(1): “Notwithstanding any other provision of this*
10 *subsection, the provisions of this subsection shall*
11 *apply to source water petition programs under sub-*
12 *section (m) only if the State uses grants under section*
13 *1443(c) (relating to State Revolving Funds) for such*
14 *program.”.*

15 *(5) In subsection (b), add the following before the*
16 *period at the end of the first sentence: “and source*
17 *water assessment programs under subsection (l)”.*

18 *(6) In subsection (g)—*

19 *(A) insert after “under this section” the fol-*
20 *lowing: “; State source water assessment pro-*
21 *grams under subsection (l) and State petition*
22 *programs under subsection (m) for which the*
23 *State uses grants under section 1443(c) (relating*
24 *to State Revolving Funds)”;* and

1 (B) strike “Such” in the last sentence and
 2 inserting “In the case of wellhead protection pro-
 3 grams, such”.

4 **SEC. 14. MONITORING OF REGULATED CONTAMINANTS.**

5 Part B is amended by adding the following after sec-
 6 tion 1417:

7 **“SEC. 1418. MONITORING OF CONTAMINANTS.**

8 “(a) INTERIM MONITORING RELIEF AUTHORITY.—(1)
 9 A State exercising primary enforcement responsibility for
 10 public water systems may modify the monitoring require-
 11 ments for—

12 “(A) regulated chemical pesticide contaminants,

13 “(B) polychlorinated byphenyls,

14 “(C) dioxin, and

15 “(D) unregulated contaminants for which mon-
 16 itoring is required under phase II as set forth on Jan-
 17 uary 30, 1991, in volume 56 of the Federal Register,
 18 page 3526 and phase V as set forth on July 17, 1992,
 19 in volume 57 of the Federal Register, page 31776

20 for an interim period to provide that any public water sys-
 21 tem serving 3,300 persons or fewer shall not be required
 22 to conduct additional quarterly monitoring during an in-
 23 terim relief period for such contaminants if—

24 “(i) monitoring, conducted at the beginning of
 25 the period for the contaminant concerned and cer-

1 *tified to the State by the public water system, fails to*
2 *detect the presence of the contaminant in the ground*
3 *or surface water supplying the public water system,*
4 *and*

5 *“(ii) the State, (considering the hydrogeology of*
6 *the area and other relevant factors), determines in*
7 *writing that the contaminant is unlikely to be de-*
8 *tected by further monitoring during such period.*

9 *“(2) The interim relief period referred to in paragraph*
10 *(1) shall terminate when permanent monitoring relief is*
11 *adopted and approved for such State, or at the end of 36*
12 *months after the enactment of the Safe Drinking Water Act*
13 *Amendments of 1994, whichever comes first. In order to*
14 *serve as a basis for interim relief, the monitoring conducted*
15 *at the beginning of the period must occur at the time deter-*
16 *mined by the State to be the time of the public water sys-*
17 *tem’s greatest vulnerability to the contaminant concerned*
18 *in the relevant ground or surface water, taking into account*
19 *in the case of pesticides the time of application of the pes-*
20 *ticide for the source water area and the travel time for the*
21 *pesticide to reach such waters and taking into account, in*
22 *the case of other contaminants, seasonality of precipitation*
23 *and contaminant travel time.*

24 *“(b) PERMANENT MONITORING RELIEF AUTHORITY.—*
25 *(1) Each State exercising primary enforcement responsibil-*

1 *ity for public water systems under this title and having*
2 *an approved wellhead protection program and a source*
3 *water assessment program may adopt, in accordance with*
4 *guidance published by the Administrator, and submit to the*
5 *Administrator as provided in section 1428(c), tailored al-*
6 *ternative monitoring requirements for public water systems*
7 *in such State (as an alternative to the monitoring require-*
8 *ments specified in the Administrator's standardized mon-*
9 *itoring framework for chemical contaminants and the ap-*
10 *plicable national primary drinking water regulations)*
11 *where the State concludes that (based on data available at*
12 *the time of adoption concerning susceptibility, use, occur-*
13 *rence, wellhead protection, or from the State's drinking*
14 *water source water assessment program) such alternative*
15 *monitoring would provide assurance that it complies with*
16 *the Administrator's guidelines. The State program must be*
17 *adequate to assure compliance with, and enforcement of, ap-*
18 *plicable national primary drinking water regulations. Al-*
19 *ternative monitoring shall not apply to regulated*
20 *microbiological contaminants, disinfectants and disinfec-*
21 *tion by-products, or corrosion by-products. The preceding*
22 *sentence is not intended to limit other authority of the Ad-*
23 *ministrator under other provisions of this title to grant*
24 *monitoring flexibility.*

1 “(2)(A) The Administrator shall issue, after notice and
2 comment and at the same time as guidelines are issued for
3 source water assessment under section 1428(l), guidelines
4 for States to follow in proposing alternative requirements
5 to the standardized monitoring framework for chemical con-
6 taminants. The Administrator shall publish such frame-
7 work in the Federal Register. The guidelines shall assure
8 that the public health will be protected from drinking water
9 contamination. The guidelines shall require that a State al-
10 ternative monitoring program apply on a contaminant-by-
11 contaminant basis and that, to be eligible for such alter-
12 native monitoring program, a public water system must
13 show the State that the contaminant is not present in the
14 drinking water supply or, if present, it is reliably and con-
15 sistently below the maximum contaminant level.

16 “(B) For purposes of subparagraph (A), the phrase ‘re-
17 liably and consistently below the maximum contaminant
18 level’ means that, although contaminants have been detected
19 in a water supply, the State has sufficient knowledge of the
20 contamination source and extent of contamination to pre-
21 dict that the maximum contaminant level will not be ex-
22 ceeded. In determining that a contaminant is reliably and
23 consistently below the maximum contaminant level, States
24 shall consider the quality and completeness of data, the
25 length of time covered and the volatility or stability of mon-

1 itoring results during that time, and the proximity of such
2 results to the maximum contaminant level. Wide variations
3 in the analytical results, or analytical results close to the
4 maximum contaminant level, shall not be considered to be
5 reliably and consistently below the maximum contaminant
6 level.

7 “(3) The guidelines issued by the Administrator under
8 paragraph (2) shall require that if, after the monitoring
9 program is in effect and operating, a contaminant covered
10 by the alternative monitoring program is detected at levels
11 at or above the maximum contaminant level or is no longer
12 reliably or consistently below the maximum contaminant
13 level, the public water system must either—

14 “(A) demonstrate that the contamination source
15 has been removed or that other action has been taken
16 to eliminate the contamination problem, or

17 “(B) test for the detected contaminant pursuant
18 to the applicable national primary drinking water
19 regulation.

20 “(c) TREATMENT AS NPDWR.—All monitoring relief
21 granted by a State to a public water system for a regulated
22 contaminant under subsection (a) or (b) shall be treated
23 as part of the national primary drinking water regulation
24 for that contaminant.

1 “(d) *OTHER MONITORING RELIEF.*—Nothing in this
 2 section shall be construed to affect the authority of the
 3 States under the standard monitoring framework for chemi-
 4 cal contaminants and under applicable national primary
 5 drinking water regulations to alter monitoring require-
 6 ments through waivers in effect at the time of the enactment
 7 of the Safe Drinking Water Act Amendments of 1994. States
 8 are encouraged to use such authority.”.

9 **SEC. 15. FEDERAL FACILITIES.**

10 (a) *IN GENERAL.*—Part C is amended by adding at
 11 the end thereof the following new section:

12 **“SEC. 1429. FEDERAL FACILITIES.**

13 “(a) *IN GENERAL.*—Each department, agency, and in-
 14 strumentality of the executive, legislative, and judicial
 15 branches of the Federal Government—

16 “(1) owning or operating any facility in a well-
 17 head protection area,

18 “(2) engaged in any activity at such facility re-
 19 sulting, or which may result, in the contamination of
 20 water supplies in any such area, or

21 “(3) owning or operating any public water sys-
 22 tem

23 shall be subject to, and comply with, all Federal, State,
 24 interstate, and local requirements, both substantive and
 25 procedural (including any requirement for permits or re-

1 *porting or any provisions for injunctive relief and such*
2 *sanctions as may be imposed by a court to enforce such*
3 *relief), respecting the protection of such wellhead areas and*
4 *respecting such public water systems in the same manner*
5 *and to the same extent as any person is subject to such re-*
6 *quirements, including the payment of reasonable service*
7 *charges. The Federal, State, interstate, and local substantive*
8 *and procedural requirements referred to in this subsection*
9 *include, but are not limited to, all administrative orders*
10 *and all civil and administrative penalties and fines, re-*
11 *gardless of whether such penalties or fines are punitive or*
12 *coercive in nature or are imposed for isolated, intermittent,*
13 *or continuing violations. The United States hereby ex-*
14 *pressly waives any immunity otherwise applicable to the*
15 *United States with respect to any such substantive or proce-*
16 *dural requirement (including, but not limited to, any in-*
17 *junctive relief, administrative order or civil or administra-*
18 *tive penalty or fine referred to in the preceding sentence,*
19 *or reasonable service charge). The reasonable service charges*
20 *referred to in this subsection include, but are not limited*
21 *to, fees or charges assessed in connection with the processing*
22 *and issuance of permits, renewal of permits, amendments*
23 *to permits, review of plans, studies, and other documents,*
24 *and inspection and monitoring of facilities, as well as any*
25 *other nondiscriminatory charges that are assessed in con-*

1 nection with a Federal, State, interstate, or local regulatory
2 program respecting the protection of wellhead areas or pub-
3 lic water systems. Neither the United States, nor any agent,
4 employee, or officer thereof, shall be immune or exempt from
5 any process or sanction of any State or Federal Court with
6 respect to the enforcement of any such injunctive relief. No
7 agent, employee, or officer of the United States shall be per-
8 sonally liable for any civil penalty under any Federal,
9 State, interstate, or local law concerning the protection of
10 wellhead areas or public water systems with respect to any
11 act or omission within the scope of the official duties of
12 the agent, employee, or officer. An agent, employee, or offi-
13 cer of the United States shall be subject to any criminal
14 sanction (including, but not limited to, any fine or impris-
15 onment) under any Federal or State requirement adopted
16 pursuant to this title, but no department, agency, or instru-
17 mentality of the executive, legislative, or judicial branch of
18 the Federal Government shall be subject to any such sanc-
19 tion. The President may exempt any facility of any depart-
20 ment, agency, or instrumentality in the executive branch
21 from compliance with such a requirement if he determines
22 it to be in the paramount interest of the United States to
23 do so. No such exemption shall be granted due to lack of
24 appropriation unless the President shall have specifically
25 requested such appropriation as a part of the budgetary

1 *process and the Congress shall have failed to make available*
2 *such requested appropriation. Any exemption shall be for*
3 *a period not in excess of 1 year, but additional exemptions*
4 *may be granted for periods not to exceed 1 year upon the*
5 *President's making a new determination. The President*
6 *shall report each January to the Congress all exemptions*
7 *from the requirements of this section granted during the*
8 *preceding calendar year, together with his reason for grant-*
9 *ing each such exemption.*

10 “(b) *ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1)*
11 *The Administrator may commence an administrative en-*
12 *forcement action against any department, agency, or in-*
13 *strumentality of the executive, legislative, or judicial branch*
14 *of the Federal Government subject to the provisions of sub-*
15 *section (a) pursuant to the enforcement authorities con-*
16 *tained in this title. The Administrator shall initiate an ad-*
17 *ministrative enforcement action against such a department,*
18 *agency, or instrumentality in the same manner and under*
19 *the same circumstances as an action would be initiated*
20 *against another person. Any voluntary resolution or settle-*
21 *ment of such an action shall be set forth in a consent order.*
22 “(2) *No administrative order issued to such a depart-*
23 *ment, agency, or instrumentality shall become final until*
24 *such department, agency, or instrumentality has had the*
25 *opportunity to confer with the Administrator.*

1 “(c) *LIMITATION ON STATE USE OF FUNDS COL-*
 2 *LECTED FROM FEDERAL GOVERNMENT.*—Unless a State
 3 *law in effect on the date of the enactment of the Safe Drink-*
 4 *ing Water Act Amendments of 1994 or a State constitution*
 5 *requires the funds to be used in a different manner, all*
 6 *funds collected by a State from the Federal Government*
 7 *from penalties and fines imposed for violation of any sub-*
 8 *stantive or procedural requirement referred to in subsection*
 9 *(a) shall be used by the State only for projects designed to*
 10 *improve or protect the environment or to defray the costs*
 11 *of environmental protection or enforcement.”.*

12 (b) *CONFORMING AMENDMENTS.*—Section 1447(a) is
 13 *amended as follows:*

14 (1) By striking out “(1) having jurisdiction over
 15 any federally owned or maintained public water sys-
 16 tem or (2)”.

17 (2) By striking out “respecting the provision of
 18 safe drinking water and”.

19 (3) Section 1447(c) is amended by striking out
 20 “the Safe Drinking Water Amendments of 1977” and
 21 inserting “this title” and by striking “this Act” and
 22 inserting “this title”.

23 **SEC. 16. EMERGENCY POWERS.**

24 Section 1431(b) is amended by striking out “\$5,000”
 25 and inserting in lieu thereof “\$15,000”.

1 **SEC. 17. TAMPERING.**

2 *Section 1432 is amended as follows:*

3 *(1) In subsection (d), by striking “or” at the end*
4 *of paragraph (1) and by striking paragraph (2) and*
5 *inserting the following:*

6 *“(2) to knowingly and deliberately interfere with*
7 *the operation of a public water system with the intent*
8 *to cause economic harm to the system or cause the*
9 *system to violate this title; or*

10 *“(3) to knowingly and deliberately render inac-*
11 *curate a monitoring device with the intent to falsify*
12 *monitoring results.”.*

13 *(2) By adding at the end the following:*

14 *“(e) FAILURE TO REPORT.—Any owner or operator*
15 *of a public water system who knowingly and deliberately*
16 *fails to report for more than 90 days to the State with pri-*
17 *mary enforcement responsibility for public water systems,*
18 *or to the public as required by this title, or to the Adminis-*
19 *trator, a violation of a maximum contaminant level or*
20 *treatment technique shall be subject to a fine of not more*
21 *than \$10,000, imprisonment for not more than 2 years, or*
22 *both, except that failure to comply with the exact form and*
23 *contents of a notice shall not be considered a failure to re-*
24 *port which is subject to enforcement under this subsection.*

25 *“(f) FALSE STATEMENTS.—State requirements appli-*
26 *cable to public water systems in States with primary en-*

1 *forcement responsibility for public water systems under this*
 2 *title, or requirements of the Administrator under this title,*
 3 *respecting statements, representations, writings, or docu-*
 4 *ments shall be construed to be subject to the provisions of*
 5 *section 1001 of title 18 of the United States Code and for*
 6 *such purposes such requirements shall be treated as a mat-*
 7 *ter within the jurisdiction of a department or agency of*
 8 *the United States and solely for that purpose such State*
 9 *shall be treated as a Federal department or agency.”.*

10 ***SEC. 18. FUNDS FOR SAFE DRINKING WATER.***

11 *(a) STATE REVOLVING FUNDS.—Section 1443 is*
 12 *amended by redesignating subsection (c) as subsection (d)*
 13 *and by adding the following new subsection after subsection*
 14 *(b):*

15 *“(c) STATE REVOLVING FUNDS.—*

16 *“(1) GENERAL AUTHORITY.—*

17 *“(A) GRANTS TO STATES TO ESTABLISH RE-*
 18 *VOLVING FUNDS.—The Administrator shall enter*
 19 *into agreements with States to make capitaliza-*
 20 *tion grants, including letters of credit, to the*
 21 *States under this subsection solely to further the*
 22 *health protection objectives of this title, promote*
 23 *the efficient use of fund resources, and for such*
 24 *other purposes as specified in this title. The*
 25 *grants shall be deposited in drinking water treat-*

1 *ment revolving funds established by the State, ex-*
2 *cept as otherwise provided in this subsection and*
3 *in other provisions of this title. No portion of*
4 *any specific percentage amount of such grants*
5 *referred to in paragraph (5), (8), or (9) or au-*
6 *thorized by other provisions of this title to be*
7 *used for other purposes specified in this title*
8 *shall be deposited in any State revolving fund.*
9 *All such grants shall be allotted to the States in*
10 *the same manner as funds are allotted to States*
11 *under subsection (a)(4), except as provided in*
12 *paragraph (8) and except that the State allot-*
13 *ment for a State not exercising primary enforce-*
14 *ment responsibility for public water systems*
15 *shall not be deposited in any such fund but shall*
16 *be allotted by the Administrator as follows: 30*
17 *percent of such allotment shall be available to the*
18 *Administrator as needed to exercise primary en-*
19 *forcement responsibility under this title in such*
20 *State and the remainder shall be reallocated to*
21 *States exercising primary enforcement respon-*
22 *sibility for public water systems for deposit in*
23 *such funds. Whenever the Administrator makes a*
24 *final determination pursuant to section 1413(b)*
25 *that the requirements of section 1413(a) are no*

1 *longer being met by a State, additional grants*
2 *for such State under this title shall be imme-*
3 *diately terminated by the Administrator.*

4 *“(B) USE OF FUNDS.—Except as otherwise*
5 *authorized by this title, amounts deposited in*
6 *such revolving funds, including loan repayments*
7 *and interest earned on such amounts, shall be*
8 *used only for providing loans or other financial*
9 *assistance of any kind or nature that the State*
10 *deems appropriate to public water systems. Such*
11 *financial assistance may be used by a public*
12 *water system only for expenditures (not includ-*
13 *ing monitoring, operation, and maintenance ex-*
14 *penditures) of a type or category which the Ad-*
15 *ministrator has determined, through guidance,*
16 *will facilitate compliance with national primary*
17 *drinking water regulations applicable to such*
18 *system under section 1412 or otherwise signifi-*
19 *cantly further the health protection objectives of*
20 *this title. Such financial assistance may be used*
21 *for acquisition from willing sellers, at fair mar-*
22 *ket value, of real property or interests therein*
23 *which are integral to such systems. 15 percent of*
24 *the amount credited to any revolving fund estab-*
25 *lished under this section in any fiscal year shall*

1 *be available solely for providing loan assistance*
2 *to public water systems which regularly serve*
3 *fewer than 10,000 persons.*

4 “(C) *FUND MANAGEMENT.*—*Each State re-*
5 *volving fund under this subsection shall be estab-*
6 *lished, maintained, and credited with repay-*
7 *ments and interest. The fund corpus shall be*
8 *available in perpetuity for providing financial*
9 *assistance under this section. To the extent*
10 *amounts in each such fund are not required for*
11 *current obligation or expenditure, such amounts*
12 *shall be invested in interest bearing obligations*
13 *of the State or of the United States.*

14 “(D) *GRANTS FROM REVOLVING FUNDS.*—*A*
15 *State may not provide assistance in the form of*
16 *grants from a State revolving fund established*
17 *under this subsection in an aggregate amount*
18 *which exceeds the sum of the interest collected on*
19 *deposits in such State revolving fund plus*
20 *amounts deposited in such fund by the State*
21 *pursuant to paragraph (3). Such grants may*
22 *only be made to public water systems owned by*
23 *a governmental or inter-governmental agency, a*
24 *non-profit organization, an Indian tribe, or any*

1 *combination thereof which the State finds to be*
2 *experiencing financial hardship.*

3 “(E) *INVESTOR-OWNED PUBLIC WATER SYS-*
4 *TEMS.—In the case of any public water system*
5 *not owned by a governmental or inter-govern-*
6 *mental agency, a non-profit organization, an In-*
7 *dian tribe, or any combination thereof, the State*
8 *may provide assistance from a State revolving*
9 *fund under this subsection according to priorities*
10 *established by the State based on the greatest*
11 *public health needs and financial need. The*
12 *State may provide loan assistance to any such*
13 *system from such a State revolving fund only*
14 *after making a determination that the system*
15 *has the ability to repay the loan according to its*
16 *terms and conditions. States are authorized to*
17 *require such systems to identify a dedicated*
18 *source for repayment of the loans and to impose*
19 *such other requirements as may be necessary to*
20 *assure loan repayment.*

21 “(2) *SPECIFIC REQUIREMENT.—No loan or other*
22 *financial assistance may be provided to a public*
23 *water system from a revolving fund established under*
24 *this subsection to be used for any expenditure that*
25 *could be avoided or significantly reduced by appro-*

1 *priate consolidation of that public water system with*
2 *any other public water system, except that in such*
3 *cases such assistance may be provided from the re-*
4 *volving fund for such consolidation.*

5 “(3) *STATE CONTRIBUTION.—In the case of*
6 *grants made after fiscal year 1995, each agreement*
7 *under this subsection shall require that the State de-*
8 *posit in the fund from State moneys an amount equal*
9 *to at least 20 percent of the total amount of the grant*
10 *to be made to the State on or before the date on which*
11 *the grant payment is made to the State.*

12 “(4) *COMBINED FINANCIAL ADMINISTRATION.—*
13 *Notwithstanding subparagraph (C) of paragraph (1),*
14 *a State may (as a convenience and to avoid unneces-*
15 *sary administrative costs) combine, in accordance*
16 *with State law, the financial administration of a re-*
17 *volving fund established under this subsection with*
18 *the financial administration of any other revolving*
19 *fund established by the State if otherwise not prohib-*
20 *ited by the law under which such revolving fund was*
21 *established and if the Administrator determines*
22 *that—*

23 “(A) *the grants under this subsection, to-*
24 *gether with loan repayments and interest, will be*

1 *separately accounted for and used solely for the*
2 *purposes specified in paragraph (1); and*

3 *“(B) the authority to establish assistance*
4 *priorities and carry out oversight and related ac-*
5 *tivities (other than financial administration)*
6 *with respect to such assistance remains with the*
7 *State agency having primary responsibility for*
8 *administration of the State program under this*
9 *part.*

10 *“(5) ADMINISTRATION.—(A) Each State may an-*
11 *nually use up to 4 percent of the funds allotted to the*
12 *State under this subsection to cover the reasonable*
13 *costs of administration of the assistance program*
14 *under this subsection and of providing technical as-*
15 *sistance to public water systems within the State. For*
16 *fiscal year 1995 and each fiscal year thereafter, each*
17 *State may use up to an additional 5 percent of the*
18 *funds allotted to the State under this subsection for*
19 *public water system supervision if the State matches*
20 *such expenditures with at least an equal amount of*
21 *non-Federal funds. At least half of such match must*
22 *be additional to the amount expended by the State for*
23 *public water supervision in fiscal year 1993. An ad-*
24 *ditional 1 percent of the funds annually allotted to*
25 *the State under this subsection shall be used by each*

1 *State to provide technical assistance to public water*
2 *systems in such State.*

3 *“(B) The Administrator shall publish such guid-*
4 *ance and promulgate such regulations as may be nec-*
5 *essary to carry out the provisions of this section, in-*
6 *cluding—*

7 *“(i) provisions to ensure that each State*
8 *commits and expends funds allotted to the State*
9 *under this subsection as efficiently as possible in*
10 *accordance with this title and applicable State*
11 *laws,*

12 *“(ii) guidance to prevent waste, fraud, and*
13 *abuse, and*

14 *“(iii) guidance to avoid the use of funds*
15 *made available under this subsection to finance*
16 *the expansion of any public water system in an-*
17 *ticipation of future population growth.*

18 *Such guidance and regulations shall also insure that*
19 *the States, and public water systems receiving assist-*
20 *ance under this subsection, use accounting, audit, and*
21 *fiscal procedures that conform to generally accepted*
22 *accounting standards.*

23 *“(C) Each State administering a revolving fund*
24 *and assistance program under this subsection shall*
25 *publish and submit to the Administrator a report*

1 every 2 years on its activities under this subsection,
2 including the findings of the most recent audit of the
3 fund and the entire State allotment. The Adminis-
4 trator shall periodically audit all revolving funds es-
5 tablished by, and all other amounts allotted to, the
6 States pursuant to this subsection in accordance with
7 procedures established by the Comptroller General.

8 “(6) *NEEDS SURVEY.*—The Administrator shall
9 conduct an assessment of financial needs of all public
10 water systems in the United States and submit a re-
11 port to the Congress containing the results of such as-
12 sessment within 2 years after the date of the enact-
13 ment of the Safe Drinking Water Act Amendments of
14 1994. The Administrator shall revise such report peri-
15 odically as appropriate.

16 “(7) *INDIAN TRIBES.*—1½ percent of the
17 amounts appropriated annually to carry out this sub-
18 section may be used by the Administrator to make
19 grants to Indian Tribes and Alaskan Native Villages
20 which are not otherwise eligible to receive either
21 grants from the Administrator under this subsection
22 or assistance from State revolving funds established
23 under this subsection. Such grants may only be used
24 for expenditures by such tribes and villages for public

1 *water system expenditures referred to in paragraph*
2 *(1)(B).*

3 “(8) *OTHER AREAS.*—Of the funds annually
4 *available under this section for grants to States, the*
5 *Administrator shall make allotments in accordance*
6 *with section 1443(a)(4) for the District of Columbia,*
7 *the Virgin Islands, the Commonwealth of the Northern*
8 *Mariana Islands, American Samoa, Guam, and the*
9 *Republic of Palau. The grants allotted as provided in*
10 *this paragraph may be provided by the Administrator*
11 *to the governments of such areas, to public water sys-*
12 *tems in such areas, or to both, to be used for the pub-*
13 *lic water system expenditures referred to in para-*
14 *graph (1)(B). Such grants shall not be deposited in*
15 *revolving funds. The total allotment of grants under*
16 *this subsection for all areas described in this para-*
17 *graph in any fiscal year shall not exceed 1 percent of*
18 *the aggregate amount made available to carry out*
19 *this subsection in that fiscal year.*

20 “(9) *ADDITIONAL SET-ASIDES.*—Any State exer-
21 *cising primary enforcement responsibility for public*
22 *water systems may use up to 4 percent of the annual*
23 *grants under this subsection allotted to that State for*
24 *the following:*

1 “(A) To establish and implement wellhead
2 protection programs under section 1428.

3 “(B) For a period of 5 years after the Ad-
4 ministrator publishes guidance under section
5 1428(l), to establish and implement source water
6 assessment programs under section 1428.

7 “(C) For a 7-fiscal year period after guide-
8 lines are issued under section 1419(a), to develop
9 and implement a viability program under sec-
10 tion 1419(b) and assess viability under section
11 1419(e).

12 *Not more than 2 percent of such annual grant allot-*
13 *ment for any such State in any fiscal year may be*
14 *used by that State for purpose of subparagraph (C).*
15 *If any State exercising primary enforcement respon-*
16 *sibility for public water systems adopts a petition*
17 *program under section 1428(m), the State may use*
18 *not more than 1 percent of the grant under this sub-*
19 *section allotted to the State in any fiscal year for es-*
20 *tablishing and implementing such program. No such*
21 *funds shall be used for such a petition program if the*
22 *State fails to implement the program.*

23 “(10) DEMONSTRATION PROJECT FOR STATE OF
24 VIRGINIA.—Notwithstanding the other provisions of
25 this subsection limiting the use of funds deposited in

1 *a State revolving fund from any State allotment, the*
2 *State of Virginia may, as a single demonstration and*
3 *with the approval of the Virginia General Assembly*
4 *and the Administrator, conduct a program to dem-*
5 *onstrate alternative approaches to intergovernmental*
6 *coordination to assist in the financing of new drink-*
7 *ing water facilities in the following rural commu-*
8 *nities in southwestern Virginia where none exists on*
9 *the date of the enactment of the Safe Drinking Water*
10 *Act Amendments of 1994 and where such commu-*
11 *nities are experiencing economic hardship: Lee Coun-*
12 *ty, Wise County, Scott County, Dickenson County,*
13 *Russell County, Buchanan County, Tazewell County,*
14 *and the city of Norton, Virginia. The funds allotted*
15 *to that State and deposited in the State revolving*
16 *fund may be loaned to a regional endowment fund for*
17 *the purpose set forth in this paragraph under a plan*
18 *to be approved by the Administrator. The plan may*
19 *include an advisory group that includes representa-*
20 *tives of such counties.*

21 “(11) *AUTHORIZATION OF APPROPRIATIONS.—*
22 *There is authorized to be appropriated to carry out*
23 *the purposes of this subsection \$599,000,000 for the*
24 *fiscal year 1994 and \$1,000,000,000 for each of the*
25 *fiscal years 1995, 1996, and 1997, and such sums as*

1 *may be necessary thereafter. Sums shall remain avail-*
2 *able until expended.”.*

3 *(b) REPORT.—Not later than 18 months after the date*
4 *of the enactment of this Act, the Administrator of the Envi-*
5 *ronmental Protection Agency shall report to the Congress,*
6 *after notice and public comment, on the appropriateness of*
7 *using State revolving funds under section 1443(c) of the*
8 *Public Health Service Act for acquisition of real property*
9 *or interests therein from willing sellers where such acquisi-*
10 *tion is undertaken in addition to, or as an alternative to,*
11 *system development as a means of complying with national*
12 *primary drinking water regulations. The review of the use*
13 *of such funds shall examine any cost savings and environ-*
14 *mental benefits for safe drinking water and any problems*
15 *related thereto.*

16 *(c) TECHNICAL ASSISTANCE.—(1) The Administrator*
17 *of the Environmental Protection Agency may provide tech-*
18 *nical assistance to small public water systems to enable*
19 *such systems to achieve and maintain compliance with ap-*
20 *plicable national primary drinking water regulations. Such*
21 *assistance may include circuit-rider programs, training,*
22 *and preliminary engineering evaluations. There is author-*
23 *ized to be appropriated to the Administrator to be used for*
24 *such technical assistance \$15,000,000 for the fiscal year*
25 *1994, and such sums as may be necessary for fiscal years*

1 *thereafter. No portion of any State revolving fund estab-*
 2 *lished under section 1443(c) of the Public Health Service*
 3 *Act and no portion of any funds made available under this*
 4 *subsection may be used either directly or indirectly for lob-*
 5 *bying expenses. Of the total amount appropriated under*
 6 *this subsection, 3 percent shall be used for technical assist-*
 7 *ance to public water systems owned or operated by Indian*
 8 *tribes. Nothing in this Act or the amendments made by this*
 9 *Act authorizes scientific or environmental research and de-*
 10 *velopment.*

11 *(2) Section 1442(g) is amended to read as follows:*

12 *“(g) **【RESERVED】**.”.*

13 *(d) PUBLIC WATER SYSTEMS SUPERVISION*
 14 *GRANTS.—Section 1443(a) is amended as follows:*

15 *(1) Paragraph (4) is amended by adding the fol-*
 16 *lowing at the end thereof: “The allotment of grant*
 17 *funds under this subsection for States not exercising*
 18 *primary enforcement responsibility for public water*
 19 *systems shall not be provided to such States but shall*
 20 *be available to the Administrator for the costs of ad-*
 21 *ministering this title in those States.”.*

22 *(2) Paragraph (7) is amended by striking out*
 23 *“not more than the following amounts” and all that*
 24 *follows down through the end of such paragraph and*

1 *inserting “such sums as may be necessary for fiscal*
2 *years after fiscal year 1994.”.*

3 **SEC. 19. RECORDS AND INSPECTIONS.**

4 *(a) REQUIREMENTS.—Section 1445(a)(1) is amended*
5 *by inserting “(A)” after “(1)” and by adding at the end*
6 *the following:*

7 *“(B) Instead of using the authority under subpara-*
8 *graph (A) for the purposes set forth in this paragraph or*
9 *subsection (b), the Administrator may, on a case-by-case*
10 *basis, require by certified mail any public water system to*
11 *provide, on a 1-time, periodic, or continuous basis, such*
12 *records, reports, and information as the Administrator may*
13 *reasonably require in determining whether such system has*
14 *acted or is acting in compliance with this title. The Admin-*
15 *istrator shall provide the State exercising primary enforce-*
16 *ment responsibility for public water systems a copy of such*
17 *certified mail. This subparagraph shall not be construed to*
18 *change any requirements of other applicable laws, such as*
19 *the Paperwork Reduction Act of 1980. Nothing in this sub-*
20 *paragraph shall be construed to affect the authority of the*
21 *Administrator to use the authority of subsection (b) to de-*
22 *termine compliance with this title.”.*

23 *(b) PENALTIES.—Section 1445(c) is amended by add-*
24 *ing at the end the following: “Such penalty may be assessed*
25 *by the Administrator after notice and opportunity for a*

1 *public hearing on the record in accordance with section 554*
2 *of title 5 of the United States Code.”.*

3 **SEC. 20. MONITORING FOR UNREGULATED CONTAMINANTS.**

4 *Section 1445(a) is amended as follows:*

5 *(1) By adding at the end of paragraph (2) the*
6 *following sentence: “Within 24 months after the enact-*
7 *ment of the Safe Drinking Water Act Amendments of*
8 *1994 and every 5 years thereafter, the Administrator*
9 *shall review and, if necessary, revise the list of un-*
10 *regulated contaminants for which monitoring is re-*
11 *quired.”.*

12 *(2) In paragraph (3), by inserting “not more*
13 *than 40” after “shall list” in the first sentence.*

14 *(3) In paragraph (4), by adding at the end*
15 *thereof: “Prior to the 24-month deadline established*
16 *under subsection (g), the State, where it is exercising*
17 *primary enforcement responsibility for public water*
18 *systems under this title, shall provide the results of*
19 *such monitoring to the Administrator for inclusion in*
20 *the occurrence data base under subsection (g).”.*

21 **SEC. 21. OCCURRENCE DATA BASE.**

22 *Section 1445 is amended by adding the following new*
23 *subsection at the end thereof:*

24 *“(g) OCCURRENCE DATA BASE.—Not later than 24*
25 *months after enactment of the Safe Drinking Water Act*

1 *Amendments of 1994, the Administrator shall assemble and*
2 *maintain a national drinking water occurrence data base,*
3 *using monitoring data on the occurrence of both regulated*
4 *and unregulated contaminants in public water supply sys-*
5 *tems obtained under subsection (a) of this section, and in-*
6 *formation from other public and private sources.”.*

7 ***SEC. 22. GENERAL PROVISIONS.***

8 *(a) GUIDELINES.—Section 1450 is amended by adding*
9 *the following at the end thereof:*

10 *“(j) GUIDELINES.—(1) All guidelines issued by the Ad-*
11 *ministrator for States exercising primary enforcement re-*
12 *sponsibility for public water systems for any purpose pur-*
13 *suant to any requirement established by the Safe Drinking*
14 *Water Act Amendments of 1994 shall be published in the*
15 *Federal Register and shall remain in effect until changed*
16 *by the Administrator in accordance with the same proce-*
17 *dure as they were established. Such guidelines shall not be*
18 *considered to be rules and shall not be enforceable as rules.*
19 *Adoption by a State of a program covered by such guide-*
20 *lines and approval of the program by the Administrator*
21 *shall be treated as an agreement by the State with, and*
22 *acceptance of, the guidelines.*

23 *“(2) Except as otherwise provided in this title, failure*
24 *of a State to abide by a guideline referred to in paragraph*

1 *(1) shall not be a basis for the State's loss of primary en-*
2 *forcement responsibility for public water systems.*

3 *“(3) The Administrator shall order a State to halt use*
4 *of a monitoring relief program under section 1418 to which*
5 *any guideline referred to in paragraph (1) applies if the*
6 *Administrator makes a finding, in writing, after notice to*
7 *the State, that the State has failed to comply with such*
8 *guideline and gives the State at least 90 days to correct*
9 *the alleged problem.*

10 *“(4) The Administrator may, in the Administrator's*
11 *discretion, reduce by 50 percent the amount of grants other-*
12 *wise made available to the State in any fiscal year under*
13 *section 1443(c) (relating to State revolving funds) if the Ad-*
14 *ministrator makes a finding in writing, after notice to the*
15 *State, that the State has failed to comply with any guide-*
16 *line referred to in paragraph (1) and gives the State at*
17 *least 90 days to correct the alleged problem.”.*

18 *(b) WHISTLE BLOWER.—Section 1450(i) is amended*
19 *as follows:*

20 *(1) Amend paragraph (2)(A) by striking “30*
21 *days” and inserting “180 days” and by inserting be-*
22 *fore the period at the end “and the Environmental*
23 *Protection Agency”.*

24 *(2) Amend paragraph (2)(B)(i) by inserting be-*
25 *fore the last sentence the following: “Upon conclusion*

1 of such hearing and the issuance of a recommended
2 decision that the complaint has merit, the Secretary
3 shall issue a preliminary order providing the relief
4 prescribed in clause (ii), but may not order compen-
5 satory damages pending a final order.”.

6 (3) Amend paragraph (2)(B)(ii) by inserting
7 “and” before “(III)” and by striking “compensatory
8 damages, and (IV) where appropriate, exemplary
9 damages” and inserting “and the Secretary may
10 order such person to provide compensatory damages
11 to the complainant”.

12 (4) Redesignate paragraphs (3), (4), (5), and (6)
13 as paragraphs (4), (5), (6), and (7), respectively, and
14 insert after paragraph (2) the following:

15 “(3)(A) The Secretary shall dismiss a complaint filed
16 under paragraph (1), and shall not conduct the investiga-
17 tion required under paragraph (2), unless the complainant
18 has made a prima facie showing that any behavior de-
19 scribed in subparagraphs (A) through (C) of paragraph (1)
20 was a contributing factor in the unfavorable personnel ac-
21 tion alleged in the complaint.

22 “(B) Notwithstanding a finding by the Secretary that
23 the complaint has made the showing required by paragraph
24 (1)(A), no investigation required under paragraph (2) shall
25 be conducted if the employer demonstrates, by clear and

1 *convincing evidence, that it would have taken the same un-*
2 *favorable personnel action in the absence of such behavior.*

3 “(C) *The Secretary may determine that a violation of*
4 *paragraph (1) has occurred only if the complainant has*
5 *demonstrated that any behavior described in subparagraphs*
6 *(A) through (C) of paragraph (1) was a contributing factor*
7 *in the unfavorable personnel action alleged in the com-*
8 *plaint.*

9 “(D) *Relief may not be ordered under paragraph (2)*
10 *if the employer demonstrates clear and convincing evidence*
11 *that it would have taken the same unfavorable personnel*
12 *action in the absence of such behavior.”.*

13 (5) *Add at the end the following:*

14 “(8) *This subsection may not be construed to expand,*
15 *diminish, or otherwise affect any right otherwise available*
16 *to an employee under Federal or State law to reduce the*
17 *employee’s discharge or other discriminatory action taken*
18 *by the employer against the employee. The provisions of this*
19 *subsection shall be prominently posted in any place of em-*
20 *ployment to which this subsection applies.”.*

21 (c) *EFFECTIVE DATE.*—*The amendments made by sub-*
22 *section (b) shall apply to claims filed under section 1450(i)*
23 *of the Public Health Service Act on or after the date of the*
24 *enactment of this Act.*

1 **SEC. 23. ADMINISTRATIVE PENALTIES.**

2 *Part E is amended by adding at the end the following*
3 *new section:*

4 **“SEC. 1452. ADMINISTRATIVE PENALTIES.**

5 *“(a) IN GENERAL.—The Administrator may assess an*
6 *administrative penalty for violations of section 1412, 1415,*
7 *1416, or 1442(h). Such a penalty may only be assessed—*

8 *“(1) after providing notice (in accordance with*
9 *section 1414(a)(1)(A)) of at least 45 days of the Ad-*
10 *ministrator’s intention to assess such penalty to the*
11 *State exercising primary enforcement responsibility*
12 *for public water systems and to the public water sys-*
13 *tem in violation of such section, and*

14 *“(2) after opportunity for a hearing on the*
15 *record in accordance with section 554 of title 5, Unit-*
16 *ed States Code.*

17 *“(b) PENALTY.—The penalty under subsection (a)*
18 *shall be not more than \$5,000 per day of violation. The*
19 *total penalty under such subsection shall not exceed—*

20 *“(1) \$50,000 for violation of section 1442(h) (re-*
21 *lating to minimum standards for certification of op-*
22 *erators and laboratories), or*

23 *“(2) \$90,000 in the case of violations of sections*
24 *1412, 1415, and 1416.*

25 *In assessing such penalties, the Administrator shall con-*
26 *sider the size of the public water system, the ability of the*

1 *system to operate in compliance with this title, the serious-*
 2 *ness of the violation, the economic impact of such violation,*
 3 *and history of violations.”.*

4 **SEC. 24. WATER RETURN.**

5 *Part E is amended by adding at the end the following:*

6 **“SEC. 1453. WATER RETURN.**

7 *“Not later than 18 months after the date of the enact-*
 8 *ment of the Safe Drinking Water Act Amendments of 1994,*
 9 *the Administrator shall issue, after public notice, guidelines*
 10 *to assist public water systems in assessing the conditions,*
 11 *when it is consistent with the requirements and public*
 12 *health objectives of this title, to return water from the public*
 13 *water system used for heat pumps and similar devices to*
 14 *the distribution system of the public water system.”.*

15 **SEC. 25. WATER CONSERVATION PLAN.**

16 *Part E is amended by adding at the end the following:*

17 **“SEC. 1454. WATER CONSERVATION PLAN.**

18 *“(a) GUIDELINES.—Not later than 1 year after the*
 19 *date of the enactment of the Safe Drinking Water Act*
 20 *Amendments of 1994, the Administrator shall publish in*
 21 *the Federal Register guidelines for water conservation plans*
 22 *for public water systems serving fewer than 3,300 persons,*
 23 *public water systems serving between 3,300 and 10,000 per-*
 24 *sons, and public water systems serving more than 10,000*

1 *persons, taking into consideration such factors as water*
 2 *availability and climate.*

3 “(b) *SRF LOANS OR GRANTS.*—Within 1 year after
 4 *publication of the guidelines under subsection (a), a State*
 5 *exercising primary enforcement responsibility for public*
 6 *water systems may require a public water system, as a con-*
 7 *dition of receiving a loan or grant from a State revolving*
 8 *fund under section 1443(c), to submit with its application*
 9 *for such loan or grant a water conservation plan consistent*
 10 *with such guidelines.”.*

11 **SEC. 26. SUBMERSIBLE PUMPS; FITTINGS; AND RESIDEN-**
 12 **TIAL WATER TREATMENT UNITS.**

13 *Part F is amended by adding at the end the following:*

14 **“SEC. 1466. SUBMERSIBLE PUMPS.**

15 “(a) *IN GENERAL.*—(1) *Except as provided in sub-*
 16 *section (b), within 3 years after the date of the enactment*
 17 *of the Safe Drinking Water Act Amendments of 1994 the*
 18 *Administrator shall promulgate regulations containing a*
 19 *health effects based performance standard establishing*
 20 *minimal leaching levels of lead from new submersible*
 21 *pumps reasonably anticipated to be used in domestic water*
 22 *wells, taking into account marketing and sales information*
 23 *and other relevant factors. Such standard shall apply to*
 24 *new pumps manufactured for, or first introduced into,*

1 *interstate commerce after the effective date of the regulation*
2 *promulgating the standard.*

3 “(2) *At a minimum, the standard under this section*
4 *shall not allow lead concentration in drinking water to in-*
5 *crease by more than 15 parts per billion (ppb) when in*
6 *prolonged contact with the pump. Such standard shall be*
7 *effective 3 years after the date of its promulgation or at*
8 *such earlier time as the Administrator determines that*
9 *pumps subject to paragraph (1) can reasonably be antici-*
10 *pated to be in compliance with such standards.*

11 “(b) *EXCEPTION.—(1) If the Administrator deter-*
12 *mines, after notice and opportunity for public comment,*
13 *that—*

14 “(A) *voluntary standards have been developed*
15 *that are at least as protective as the minimum stand-*
16 *ard described in subsection (a)(2), and*

17 “(B) *pumps subject to paragraph (1) of sub-*
18 *section (a) can reasonably be anticipated to be in*
19 *compliance with such voluntary standards within 6*
20 *years after the date of the enactment of the Safe*
21 *Drinking Water Act Amendments of 1994,*
22 *the Administrator shall not promulgate regulations estab-*
23 *lishing the standard under subsection (a) or, if such regula-*
24 *tions have been promulgated, provide that such regulations*
25 *shall not take effect or be enforced.*

1 “(2) Within 2 years after the date of the enactment
2 of the Safe Drinking Water Act Amendments of 1994, the
3 Administrator shall determine, after notice and oppor-
4 tunity for public comment, whether new submersible pumps
5 which convey drinking water and which contain brass al-
6 loys containing 0.2 percent lead or more are being manufac-
7 tured for, or first introduced into, interstate commerce. If
8 the Administrator determines, at that time, that such
9 pumps are not being manufactured for, or first introduced
10 into, interstate commerce, the Administrator shall not pro-
11 mulgate regulations establishing the standard under sub-
12 section (a) or make a determination under subsection (b)(1)
13 or if such regulations have been promulgated, provided that
14 such regulations shall not take effect or be enforced.

15 **“SEC. 1467. FITTINGS.**

16 “(a) IN GENERAL.—Within 1 year after the date of
17 the enactment of the Safe Drinking Water Act Amendments
18 of 1994, the Administrator shall determine if—

19 “(1) voluntary standards for new plumbing fit-
20 tings manufactured for or introduced into interstate
21 commerce which convey drinking water have been de-
22 veloped that are at least as protective of human health
23 as the minimum performance standard promulgated
24 under subsection (b), and

1 “(2) such fittings can reasonably be anticipated
2 to comply with such standards within 5 years after
3 such date of enactment.

4 “(b) *REGULATIONS.*—If the Administrator determines
5 that such voluntary standards for new plumbing fittings
6 which convey drinking water have not been developed or
7 that such fittings cannot reasonably be anticipated to com-
8 ply, within 5 years of such date of enactment, with such
9 voluntary standards, the Administrator shall, within 2
10 years after the date of such determination, promulgate regu-
11 lations setting a health effects based performance standard
12 establishing minimal leaching levels of lead from such new
13 plumbing fittings. Such regulation shall take effect 3 years
14 after the date of such promulgation. Under such regulation,
15 such fittings shall not cause lead concentration in drinking
16 water to increase by more than 15 parts per billion when
17 in prolonged contact with such fitting.

18 **“SEC. 1468. ENFORCEMENT OF SECTIONS 1466 AND 1467.**

19 “(a) *IN GENERAL.*—Any person who manufactures or
20 first introduces in interstate commerce any new submersible
21 pump or new plumbing fitting which violates any require-
22 ment established by the Administrator by regulation under
23 section 1466 or 1467, shall be liable to the United States
24 for a civil penalty in an amount not to exceed \$10,000 for
25 each such violation. To assess such civil penalty, the Ad-

1 *ministrator shall, after notice and opportunity for hearing*
2 *on the record in accordance with sections 554 and 556 of*
3 *title 5, United States Code, issue an order assessing such*
4 *civil penalty.*

5 “(b) *ACTIONS.*—*The Administrator may commence a*
6 *civil action to enjoin any violation of section 1466 or 1467*
7 *or to assess and recover any civil penalty under subsection*
8 *(a). Any such action may be brought in the district court*
9 *of the United States for the district in which the violation*
10 *is alleged to have occurred or in which the defendant resides*
11 *or has the defendant’s principal place of business. Such a*
12 *court shall have jurisdiction to issue injunctive relief and*
13 *to assess a civil penalty.*

14 “(c) *ORDER.*—*The Administrator may issue an order*
15 *to require any person to comply with any requirement of*
16 *section 1466 or 1467.*

17 “(d) *FUTURE COMPLIANCE.*—*The Administrator shall*
18 *periodically evaluate compliance with the standards under*
19 *sections 1466 and 1467.*

20 **“SEC. 1469. RESIDENTIAL WATER TREATMENT UNITS.**

21 “(a) *FTC INVESTIGATION.*—*The Federal Trade Com-*
22 *mission, in consultation with the Administrator of the En-*
23 *vironmental Protection Agency, shall conduct an investiga-*
24 *tion, pursuant to the Federal Trade Commission Act, into*
25 *the veracity of claims that devices manufactured, sold, or*

1 *distributed in interstate commerce for use in single and*
2 *multi-family residences will improve the quality of drink-*
3 *ing water or eliminate or reduce the level of 1 or more*
4 *drinking water contaminants (for which a national pri-*
5 *mary drinking water regulation is promulgated under the*
6 *Safe Drinking Water Act) and shall take such action pursu-*
7 *ant to section 5 of such Act against any person who intro-*
8 *duces, delivers for introduction, sells, advertises, or offers*
9 *for sale, in interstate commerce, such devices as the Com-*
10 *mission deems appropriate to ensure that such claims are*
11 *consistent with the requirements of that Act and any appli-*
12 *cable decisions and orders of the Commission under section*
13 *5 of that Act. The Commission shall, consistent with the*
14 *requirements of such Act, report the results of its investiga-*
15 *tion and the actions it takes to the Congress within 2 years*
16 *after enactment of this Act. The Commission may, from*
17 *time to time, issue rules (pursuant to section 553 of title*
18 *5 of the United States Code) and any violation of such rules*
19 *shall be treated by the Commission as a violation of a rule*
20 *under section 18 of the Federal Trade Commission Act (15*
21 *U.S.C. 57a) regarding unfair or deceptive acts or practices.*

22 “(b) *EPA REPORT.—The Administrator, taking into*
23 *account any available results of such study, shall, within*
24 *3 years after the date of the enactment of the Safe Drinking*
25 *Water Act Amendments of 1994, submit a report to Con-*

1 gress containing recommendations regarding the effective-
 2 ness of such devices, and recommendations for legislation,
 3 to the extent necessary to assure the effectiveness of such
 4 devices in reducing the level of drinking water contami-
 5 nants.”.

6 **SEC. 27. BOTTLED DRINKING WATER STANDARDS.**

7 Section 410 of the Federal Food, Drug, and Cosmetic
 8 Act (21 U.S.C. 349) is amended—

- 9 (1) by striking “Whenever” and inserting “(a)
 10 Except as provided in subsection (b), whenever”; and
 11 (2) by adding at the end thereof the following
 12 new subsection:

13 “(b) BOTTLED DRINKING WATER STANDARDS.—(1)
 14 Not later than 180 days after the Administrator of the En-
 15 vironmental Protection Agency promulgates a national pri-
 16 mary drinking water regulation for a contaminant under
 17 section 1412 of the Public Health Service Act (42 U.S.C.
 18 300g–1), the Secretary, after public notice and comment,
 19 shall issue a regulation under this subsection for that con-
 20 taminant in bottled water or make a finding that such a
 21 regulation is not necessary to protect the public health be-
 22 cause the contaminant is contained in water in public
 23 water systems (as defined under section 1401(4) of such Act
 24 (42 U.S.C. 300f(4)) but not in water used for bottled drink-
 25 ing water. In the case of contaminants for which national

1 *primary drinking water regulations were promulgated*
2 *under such section 1412 before the date of enactment of the*
3 *Safe Drinking Water Act Amendments of 1994, the Sec-*
4 *retary shall issue such regulation within 1 year after such*
5 *date of enactment.*

6 “(2) *A regulation issued by the Secretary as provided*
7 *in this subsection shall include any monitoring require-*
8 *ments that the Secretary determines appropriate for bottled*
9 *water.*

10 “(3) *A regulation issued by the Secretary as provided*
11 *in this subsection shall require the following:*

12 “(A) *In the case of contaminants for which a*
13 *maximum contaminant level is established in a na-*
14 *tional primary drinking water regulation under sec-*
15 *tion 1412 of the Public Health Service Act, the regu-*
16 *lation under this subsection shall establish a maxi-*
17 *mum contaminant level for the contaminant in bot-*
18 *tled water which is at least as stringent as the maxi-*
19 *mum contaminant level provided in the national pri-*
20 *mary drinking water regulation.*

21 “(B) *In the case of contaminants for which a*
22 *treatment technique is established in a national pri-*
23 *mary drinking water regulation under section 1412 of*
24 *the Public Health Service Act, the regulation under*
25 *this subsection shall require that bottled water be sub-*

1 *ject to requirements no less protective of the public*
2 *health than those applicable to water provided by*
3 *public water systems using the treatment technique*
4 *required by the national primary drinking water reg-*
5 *ulation.*

6 *“(4)(A) If the Secretary fails to establish a regulation*
7 *under this subsection within the 180-day period described*
8 *in paragraph (1), the national primary drinking water reg-*
9 *ulation referred to in paragraph (1) shall be considered, as*
10 *of the date on which the Secretary is required to establish*
11 *a regulation under paragraph (1), as the regulation appli-*
12 *cable under this subsection to bottled water.*

13 *“(B) Not later than 30 days after the end of the 180-*
14 *day period, or the 1-year period if applicable, described in*
15 *paragraph (1), the Secretary shall, with respect to a na-*
16 *tional primary drinking water regulation that is considered*
17 *applicable to bottled water as provided in subparagraph*
18 *(A), publish a notice in the Federal Register that—*

19 *“(i) sets forth the requirements of the national*
20 *primary drinking water regulation, including mon-*
21 *itoring requirements, which shall be applicable to bot-*
22 *tled water, and*

23 *“(ii) provides that such requirements shall take*
24 *effect on the date on which the national primary*
25 *drinking water regulation for the contaminant takes*

1 *effect under section 1412 of the Public Health Service*
2 *Act (or in the case of national primary drinking*
3 *water regulations promulgated before the enactment of*
4 *the Safe Drinking Water Act Amendments of 1994, on*
5 *the date 18 months after the enactment of such Act).''.*

6 **SEC. 28. ARSENIC.**

7 *(a) STUDY.—Subject to availability of appropriations,*
8 *the Administrator of the Environmental Protection Agency*
9 *shall enter into an agreement with the National Academy*
10 *of Sciences to conduct a comprehensive study of the human*
11 *health effects of arsenic (which is subject to regulation as*
12 *a contaminant under the Safe Drinking Water Act), taking*
13 *into consideration the fact that arsenic occurs naturally.*
14 *Such study shall be completed within 2 years of the date*
15 *the agreement is entered into. A report shall be transmitted*
16 *to the Administrator of the Environmental Protection Agen-*
17 *cy for purposes of subsection (b).*

18 *(b) REGULATION.—*

19 *(1) PROPOSED REGULATION.—Not later than De-*
20 *cember 31, 1996, the Administrator of the Environ-*
21 *mental Protection Agency shall propose a national*
22 *primary drinking water regulation for arsenic. If the*
23 *study under subsection (a) is begun before May 31,*
24 *1996, the Administrator may not, except as provided*
25 *in paragraph (2), promulgate such regulation until*

1 *the National Academy of Sciences has issued a report*
2 *under such subsection. When the National Academy of*
3 *Sciences issues such report, the Administrator shall*
4 *reopen the comment period on the proposed regulation*
5 *for 60 days.*

6 (2) *REGULATION.—The Administrator shall pro-*
7 *mulgate a national primary drinking water regula-*
8 *tion for arsenic not later than December 31, 1999, ex-*
9 *cept that the Administrator may extend such date for*
10 *1 year if the Administrator has issued a new pro-*
11 *posed regulation for arsenic. The Administrator may*
12 *promulgate such regulation prior to such date if the*
13 *Administrator finds that arsenic in drinking water is*
14 *associated with an imminent and substantial*
15 *endangerment to the health of persons and publishes*
16 *such determination in the Federal Register.*

17 (3) *STANDARD SETTING PROCESS.—In issuing*
18 *the national primary drinking water regulation for*
19 *arsenic, the Administrator may promulgate a na-*
20 *tional primary drinking water regulation pursuant*
21 *to section 1412(b)(5)(A) and (B) of the Safe Drinking*
22 *Water Act.*

23 **SEC. 29. DEFINITIONS.**

24 (a) *PIPED WATER.—Section 1401 is amended by add-*
25 *ing at the end the following:*

1 “(15) The term ‘piped water’ means, in addition
2 to water carried in pipes, water carried in culverts,
3 canals, or similar conveyances. Such term does not
4 include irrigation water provided to incidental non-
5 agricultural users if the Administrator or State (in
6 the case of a State exercising primary enforcement re-
7 sponsibility for public water systems) determines that
8 alternative drinking water to achieve the equivalent
9 level of health protection provided by the applicable
10 national primary drinking water regulations is pro-
11 vided for drinking, cooking, and bathing, or where the
12 Administrator or State (in the case of a State exercis-
13 ing primary enforcement responsibility for public
14 water systems) determines that the water provided for
15 drinking, cooking, and bathing is treated by the pro-
16 vider of such irrigation water, or a pass-through en-
17 tity providing water for drinking, cooking, and bath-
18 ing, to achieve the equivalent level of health protection
19 provided by the applicable national primary drinking
20 water regulations. This paragraph shall not be con-
21 strued to affect the meaning of the term ‘human con-
22 sumption’ as used in any other provision of this title.
23 As used in this paragraph, the term ‘conveyance’ does
24 not include rivers, streams, lakes, or ponds. Nothing

1 *in this paragraph shall create new or additional re-*
 2 *quirements for public water system.”.*

3 *(b) ALTERNATIVE QUALITY CONTROL AND TESTING*
 4 *PROCEDURES.—Section 1401(1)(D) is amended by adding*
 5 *the following at the end thereof: “At any time after promul-*
 6 *gation of a regulation referred to in this paragraph, the*
 7 *Administrator may add equally effective quality control*
 8 *and testing procedures by guidance published in the Federal*
 9 *Register. Such procedures shall be treated as an alternative*
 10 *for public water systems to the quality control and testing*
 11 *procedures listed in the regulation.”.*

12 **SEC. 30. REPORTS ON ENVIRONMENTAL PROTECTION**
 13 **AGENCY ADMINISTERED PROGRAMS.**

14 *For States and Indian Tribes in which the Adminis-*
 15 *trator of the Environmental Protection Agency has revoked*
 16 *primary enforcement responsibility under part B of title*
 17 *XIV of the Public Health Service Act (the Safe Drinking*
 18 *Water Act) or is otherwise administering such title, the Ad-*
 19 *ministrator shall provide every 2 years, a report to Con-*
 20 *gress on the implementation by the Administrator of all ap-*
 21 *plicable requirements of that title in such States.*

22 **SEC. 31. GENERAL AUTHORIZATION.**

23 *(a) IN GENERAL.—Part A is amended by adding the*
 24 *following new section after section 1401:*

1 ***“SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.***

2 *“There are authorized to be appropriated such sums*
 3 *as may be necessary to carry out the provisions of this title*
 4 *for the first 8 fiscal years following the enactment of the*
 5 *Safe Drinking Water Act Amendments of 1994.”.*

6 (b) *CONFORMING AMENDMENTS.—The heading for*
 7 *part A is amended to read as follows:*

8 *“PART A—GENERAL PROVISIONS”.*

9 ***SEC. 32. CLERICAL AMENDMENT.***

10 *Section 1421(b)(3)(B)(i) is amended by striking*
 11 *“number or States” and inserting “number of States”.*

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